

12:45 1 please let me know, because if you answer I will
 2 assume that you both heard it and understood it.
 3 Okay?
 4 A. Yes.
 5 Q. Have you consumed any medication, alcohol or other
 6 substance that would interfere with your ability to
 7 understand my questions or use your full recall?
 8 A. No.
 9 Q. What is your date of birth?
 10 A. 9/6/74.
 11 Q. Have you ever gone by any other names?
 12 A. Yes.
 13 Q. What are they?
 14 A. Niki Frenchko.
 15 Q. N-I-K-I?
 16 A. That's how I spell it. So I'm sure there are
 17 different versions of the spelling out there.
 18 Q. Are you married?
 19 A. No.
 20 Q. Have you ever been married?
 21 A. Yes.
 22 Q. How many times?
 23 A. Twice.
 24 Q. To whom?
 25 A. Jay Steven Nagy.

MICHELE NICOLE FRENCHKO

12:48 1 Q. Have you ever been terminated?
 2 A. Does that include being laid off?
 3 Q. If you didn't go back, then it would be. If you
 4 were laid off and came back then it wouldn't be a
 5 termination.
 6 A. I was laid off and never went back to Trumbull
 7 County.
 8 Q. So the first one you said was at Scope?
 9 A. Yes.
 10 Q. A-T-S-C-O-P-E?
 11 A. Scope is the name of the business, S-C-O-P-E.
 12 Q. And what was your position with Scope?
 13 A. Social worker, licensed social work, information
 14 and a referral specialist.
 15 Q. And why were you terminated?
 16 A. They just wanted to go a different direction, as
 17 far as I understood, relative to the position.
 18 Q. When was that approximately?
 19 A. I was part time. It was, oh, God, 2000, maybe.
 20 Q. And then Trumbull County you said you were
 21 terminated or laid off?
 22 A. Laid off. That's what I said.
 23 Q. When was that?
 24 A. I don't know exactly.
 25 Q. I'm not asking exact. If I say exact, I'll let you

MICHELE NICOLE FRENCHKO

6

12:46 1 Q. How do you spell the last name?
 2 A. N-A-G-Y.
 3 Q. From when to when?
 4 A. I don't know. I can't remember.
 5 Q. Approximately?
 6 A. I don't know. From when I was 20 -- I don't know.
 7 Q. For how long were you married to Mr. Nagy?
 8 A. About ten years.
 9 Q. And your second husband was who?
 10 A. Andrew Tripoulas.
 11 Q. Please spell.
 12 A. T-R-I-P-O-U-L-A-S.
 13 Q. And what years were you married to him?
 14 A. Up until, I don't know, 2005, '6. I don't know. I
 15 was only married about -- I don't know. I can't
 16 remember the dates. I'm sorry.
 17 Q. Approximately how many years?
 18 A. Two and a half, three. I can't recall exactly.
 19 Q. I said approximately.
 20 Have you ever been convicted of any crimes?
 21 A. No.
 22 Q. Have you ever been terminated from any employment?
 23 A. Yes.
 24 Q. Which employment?
 25 A. At Scope and -- I don't understand the question.

MICHELE NICOLE FRENCHKO

8

12:50 1 know. I'll say I'm asking exactly.
 2 Approximately when, ma'am?
 3 A. Thank you for clarifying.
 4 Q. You're welcome.
 5 A. I believe it was 2003.
 6 And I will only answer approximately if you
 7 identify it as an acceptable response.
 8 Q. What position were you holding at the time you were
 9 laid off?
 10 A. A planner.
 11 Q. To whom were you reporting at that time?
 12 A. I believe it was Gary Newbrough.
 13 Q. How do you spell Newbrough?
 14 A. N-E-W-B-R-O-U-G-H.
 15 Q. You graduated from high school, I gather; correct?
 16 A. I didn't understand that to be a question. Could
 17 you repeat that as a question, please?
 18 Q. Did you graduate from high school?
 19 A. Yes.
 20 Q. Which one?
 21 A. Warren G. Harding.
 22 Do you want me to spell it?
 23 Q. No thank you.
 24 What year?
 25 A. 1992.

MICHELE NICOLE FRENCHKO

12:51 1 Q. Did you attend graduate school?
 2 A. Yes.
 3 Q. Where?
 4 A. Kent State University.
 5 Q. From approximately when to when?
 6 A. 2000 to 2003, around there.
 7 Q. Did you obtain a degree?
 8 A. Yes.
 9 Q. What degree?
 10 A. Master's degree in public administration.
 11 Q. Have you had any other formal education?
 12 A. Yes.
 13 Q. What other education?
 14 A. Youngstown State University, bachelor's of social work degree.
 15 Q. Approximately when did you get that degree?
 16 A. 1990 -- 1999.
 17 Q. What was your first job after graduating from Youngstown State University?
 18 A. I can't recall what my first job was after graduating.
 19 Q. What is the first job you do recall after graduating?
 20 A. I wouldn't be certain of which of them. There were three around the same time.

MICHELE NICOLE FRENCHKO

10

12:53 1 Q. What were the three?
 2 A. I have to ask, do you want all of my formal education?
 3 Q. Yes.
 4 So you went on for further education after Youngstown?
 5 A. Well, I gave you my master's degree.
 6 Q. Yes.
 7 A. I went to Appraisal Institute, Hondros College, and
 8 Hondros College for Real Estate, sales and
 9 appraising, general, commercial appraising,
 10 residential.
 11 Q. Approximately --
 12 A. And I also obtained education formally in the
 13 United States Army.
 14 Q. When did you attend the Appraisal Institute
 15 approximately?
 16 A. Late 2000s.
 17 Q. What education did you obtain from the U.S. Army?
 18 A. Medical supply specialist and other training -- and
 19 other basic training skills, basic combat training.
 20 I believe it equates to military science.
 21 Q. When did you receive that training from the U.S.
 22 Army, approximately?
 23 A. 1992.

MICHELE NICOLE FRENCHKO

12:56 1 Q. For approximately how long was the training?
 2 A. Until 1993.
 3 Q. A full year?
 4 A. Almost, I think. I don't recall.
 5 I would like to strike that and say I don't remember exactly.
 6 Q. I said approximately.
 7 Okay. Let's move on. So you were in the Army.
 8 And then in terms of education it was high school,
 9 college, then your master's at Youngstown State.
 10 No -- did you go to the Army before or after
 11 college?
 12 A. Before.
 13 Q. So it was Army, then college, then the master's
 14 program, then the Appraisal Institute in order?
 15 A. No.
 16 Q. Right? What's the order?
 17 A. Hondros was before Appraisal Institute. Hondros --
 18 wait, let me take that back. Yes.
 19 Q. Okay. Any other education? Have you obtained any
 20 other education, formal?
 21 A. No.
 22 Q. Where did you work prior to your current position
 23 with the county?
 24 MS. MINAHAN: I'm just going to place
 25 MICHELE NICOLE FRENCHKO

12

12:58 1 an objection as to the term "position" because
 2 she's an elected official, but go ahead.
 3 Q. I'm just going to use that as -- as equating to
 4 elected official position or in your role as a
 5 commissioner.
 6 MS. MINAHAN: Okay. Thank you.
 7 If you do use the term position, do you
 8 mind if I just have a standing objection to
 9 that?
 10 MS. GROEDEL: "Role," how about that?
 11 I'll use role.
 12 MS. MINAHAN: "Role" works.
 13 Q. Prior to your current role what job did you have?
 14 A. I was self-employed.
 15 Q. Doing what?
 16 A. Real estate sales, investments and consulting.
 17 Q. What were you consulting on?
 18 A. HUD 203(K) consulting.
 19 Q. For approximately how long were you self-employed
 20 before you became a commissioner?
 21 A. I'm not sure.
 22 Q. You don't know if it was two years or ten years?
 23 A. At least ten years. I think ten to -- ten years.
 24 Maybe more, 10 to 12. I don't know.
 25 Q. Other than your position as a planner with Trumbull

MICHELE NICOLE FRENCHKO

01:01 1 County and your self-employment work, have you had
2 any other jobs?
3 A. Yes.
4 Q. What are those jobs?
5 A. As I recall, I was a substitute school teacher for
6 Warren City Schools, and I worked for CT
7 Consultants after the planning commission.
8 Q. For approximately how long were you a substitute
9 school teacher?
10 A. I can't recall.
11 Q. You don't know if it was one year, five years or
12 ten years?
13 A. A few years, maybe.
14 Q. And for approximately how long did you work for
15 CT Consultants?
16 A. Six years, maybe.
17 Q. And why did you leave that position?
18 A. The amount of time I was permitted to work didn't
19 allow me the time required to perform all of my
20 duties.
21 Q. Did you resign?
22 A. Yes.
23 Q. Did you resign from Warren City Schools?
24 A. No.
25 Q. What was the nature of your separation from Warren

MICHELE NICOLE FRENCHKO

01:06 1 THE WITNESS: I don't know. More than
2 ten years ago, and they're asking for things
3 from 20 years ago, I just won't be able to
4 recall exact information, I'm sorry.
5 MS. MINAHAN: The resume, if you want
6 to call it that, that you sent me,
7 Commissioner, is it in chronological order,
8 even if there is no dates, or you don't even
9 know that?
10 THE WITNESS: I don't know.
11 MS. GROEDEL: Did you produce that,
12 Kathleen?
13 MS. MINAHAN: I don't know, honestly,
14 if I have produced it to you. I have
15 definitely produced it in other litigation. If
16 I haven't, I can certainly send it to you, but
17 there aren't dates on it. Yeah.
18 MS. GROEDEL: No problem. Thank you.
19 MS. MINAHAN: Sure.
20 Q. When did you decide that you wanted to become a
21 commissioner?
22 A. When I was at the planning commission.
23 Q. And when did you first take any action towards
24 becoming a commissioner?
25 A. When I sought elected office.

MICHELE NICOLE FRENCHKO

14

16

01:04 1 City Schools?
2 A. I was no longer responding to their requests.
3 Q. For what?
4 A. To come into work.
5 Q. Why were you not responding to their requests?
6 A. Pardon me?
7 Q. Why were you not responding to their requests?
8 A. I believe I moved on to regular employment.
9 Q. What was the regular employment to which you moved
10 on?
11 A. It might have been the planning commission, I think
12 it was, or CT -- let me take that back. I don't
13 remember. It's been a long time. I don't want you
14 to give you the incorrect information, I apologize.
15 Q. Do you have a resume?
16 A. I have a list of places I worked.
17 Q. If you haven't produced that already to
18 Miss Minahan, I ask that you do so.
19 MS. MINAHAN: Commissioner, does your
20 resume have dates on it? I'm not sure I have
21 seen anything with dates. Do you know?
22 THE WITNESS: I think you asked me for
23 a list of the last ten years.
24 MS. MINAHAN: Right. I don't think
25 they were by date, though.

MICHELE NICOLE FRENCHKO

01:07 1 Q. What did you do to seek elected office?
2 A. I ran for commissioner.
3 Q. When did you start running?
4 A. I'm sorry, can you clarify that?
5 Q. You said you ran for commissioner. Did you have to
6 get a certain number of votes? Did you mail in an
7 application to be put on the ballot? What was the
8 first thing you did towards actually running for
9 the commissioner spot?
10 A. I picked up a nominating petition.
11 Q. Do you recall when that was?
12 A. No.
13 Q. Do you know the year?
14 A. Not exactly.
15 Q. Approximately, ma'am?
16 A. 2005.
17 Q. Did you have to obtain a certain number of votes
18 before you could be placed on the ballot -- I mean
19 a certain number of signatures before you could be
20 placed on the ballot?
21 A. Yes.
22 Q. And when did you obtain the requisite number of
23 signatures, approximately?
24 A. I can't recall. 2005, '6 maybe.
25 Q. How many times did you run before you became a

MICHELE NICOLE FRENCHKO

01:10 1 commissioner?
 2 A. Could you define "run"?
 3 Q. Put on the ballot?
 4 A. Did I get put on the ballot? Before I became
 5 commissioner, three.
 6 Q. When did you actually become commissioner?
 7 A. In 2021.
 8 Q. You understand you are testifying in the case of
 9 Ernest Cook versus Trumbull County Board of
 10 Commissioners; correct?
 11 A. Yes.
 12 Q. Have you read the complaint in this case?
 13 A. No.
 14 Q. Have you been involved in producing any documents
 15 or information in this case?
 16 A. Yes.
 17 Q. I'm not asking about any communications between you
 18 and any lawyers, I want to know what documents you
 19 produced.
 20 A. I don't understand your question.
 21 Q. You said you were involved in producing information
 22 or documents in connection with this case; correct?
 23 A. Yes.
 24 Q. What documents did you produce? You mentioned
 25 already a list of your -- the jobs you have held;

MICHELE NICOLE FRENCHKO

01:14 1 explaining.
 2 MS. MINAHAN: Sure.
 3 Q. Have you been deposed before, Ms. Frenchko?
 4 A. Yes.
 5 Q. Approximately how many times?
 6 A. Twice, I think.
 7 Q. What cases?
 8 A. I don't remember.
 9 Q. You don't remember the name of the case, either of
 10 the cases?
 11 A. No.
 12 Q. Approximately what years were you deposed?
 13 A. The mid 2000 -- the 2000s, or something.
 14 Q. Twenty years ago?
 15 A. If I don't recall I'm not going to say something
 16 and be hung because I said the wrong thing, so I
 17 just want to stick with I don't recall.
 18 Q. Were you deposed within the last five years, ma'am?
 19 A. I don't -- not within the last five years.
 20 Q. Do you hold any other employment currently other
 21 than the role you hold as commissioner?
 22 MS. MINAHAN: Again, I appreciate you
 23 using the word "role," but you did mention
 24 employment. I just want to object to that
 25 implication.

MICHELE NICOLE FRENCHKO

18
 01:12 1 right?
 2 A. No.
 3 Q. I thought you said that you gave that to
 4 Ms. Minahan?
 5 A. I don't believe that was related to this case. I
 6 don't know if you're confused. I don't know if my
 7 attorney is confused, I doubt she is, but you're
 8 the one who sent the discovery out, so you would
 9 know. I don't know.
 10 Q. Ma'am -- ma'am, I asked what documents you,
 11 Ms. Frenchko, produced. Not what I asked for, not
 12 what your attorney asked for, what you produced?
 13 A. I don't recall.
 14 Q. You can't recall one document that you produced?
 15 A. No.

16 MS. MINAHAN: I also just wanted to
 17 add for the record, and this may be part of the
 18 confusion, which is that the imaged -- among
 19 other things, Commissioner Frenchko's e-mails,
 20 all of her e-mails, we also imaged everything
 21 contained on the cell phone.

22 So she produced her cell phone. She
 23 produced her e-mail. But I'm sure she has no
 24 idea what we produced on her behalf.

25 MS. GROEDEL: Thank you for

MICHELE NICOLE FRENCHKO

20
 01:16 1 MS. GROEDEL: Okay. I'm trying to
 2 keep it separate.
 3 MS. MINAHAN: That's okay. Objection.
 4 But go ahead and answer, unless you want to
 5 rephrase it.
 6 Q. Do you earn income any other way other than in your
 7 role as a commissioner currently?
 8 A. Yes.
 9 Q. What other ways do you earn income?
 10 A. Self-employment.
 11 Q. Doing what?
 12 A. Small business.
 13 Q. You own a small business?
 14 A. Partner, yeah.
 15 Q. What business?
 16 A. MVP Solutions.
 17 Q. What does MVP Solutions do, or make?
 18 A. Rents and holds property.
 19 Q. For how long, approximately, has MVP Solutions been
 20 in existence?
 21 A. Twelve years -- 10 to 12 -- a little over ten
 22 years, I think.
 23 Q. And have you been a partner in it the entire time?
 24 A. Yes.
 25 Q. Is there any other way you earn an income other

MICHELE NICOLE FRENCHKO

01:18 1 than through your role as commissioner and MVP
2 Solutions?
3 **A. Interest income.**
4 Q. Approximately how many hours a week do you spend on
5 your commissioner responsibilities?
6 **A. Approximately how many -- I'm sorry, can you ask**
7 **that again?**
8 Q. Approximately how many hours per week do you spend
9 on your commissioner responsibilities?
10 **A. Forty-five.**
11 Q. How would you describe your duties or
12 responsibilities as a commissioner?
13 **A. Can you be more specific? I don't understand your**
14 **question.**
15 Q. Well, for example, as a lawyer I write briefs, I
16 interview witnesses, I talk to my clients, I
17 interface with judges, I prepare briefs, discovery
18 requests, discovery responses, correspondences.
19 Those are the things on which I spend my time.
20 What do you spend your time on in your role as
21 a commissioner?
22 **A. Are you asking for a nonexhaustive list?**
23 Q. Whatever you recall, as you sit here today?
24 **A. Okay. I prepare items for the agenda. I review**
25 **every agenda item and supporting documentation. I**

MICHELE NICOLE FRENCHKO

01:24 1 **People express concerns and complaints to me, I**
2 **work on resolving them. I make a lot of decisions**
3 **that relate to county or township business, also,**
4 **while providing services to townships.**
5 I work on -- I have been active in working
6 with our legal counsel as it relates to
7 representing and defending the county in numerous
8 capacities, and working with our legal counsel as
9 it relates to moving ARPA projects along.
10 I review policies --
11 Q. I'm sorry, ARPA?
12 **A. Yes.**
13 Q. What does that stand for?
14 **A. It's the rescue plans.**
15 I review treasury guidance that's inches
16 thick. I review the revised code as it relates to
17 our boards, our duties, how we do business. I
18 consult with our prosecutor's office on a regular
19 basis to make sure that we're doing things
20 correctly.
21 I review our finances, prepare budget
22 questions, inform and teach the public about what
23 goes on in the county. I attend lobbying events to
24 advocate for projects and funding in Trumbull
25 County.

MICHELE NICOLE FRENCHKO

01:20 1 **review contracts, agreements, change orders,**
2 **project applications, applications. I review**
3 **minutes of meetings that are commissioners meetings**
4 **and are numerous other boards associated with**
5 **Trumbull County.**
6 I attend other meetings that relate to county
7 business such as tax incentive review council,
8 drainage district hearings, land bank meetings. I
9 did do planning commission meetings.
10 Trumbull/Geauga Solid Waste District. Sometimes
11 Mental Health and Recovery Board. I would listen
12 in on our senior services advisory council
13 meetings. There are a number of boards and
14 committees and meetings that I have participated
15 in. Human resources advisory panel.
16 There are a number of those I work -- I go to
17 the meetings for the commissioners meetings. I
18 vote on agenda items. I have drafted policies that
19 I believe are important. I have fielded complaints
20 in human resources in absence of an HR director,
21 dealt with unions, with employees, with people in
22 the public, with other political subdivisions, with
23 emergency management, with the department heads
24 about numerous issues that relate to how our county
25 does business and the functions and processes.

MICHELE NICOLE FRENCHKO

01:25 1 **I work with the state representatives and**
2 **state senators in order to lobby for more money to**
3 **come to Trumbull County.**
4 **What else do I do?**
5 Q. That's good.
6 A. Oh, I respond to e-mails, hundreds and hundreds of
7 e-mails. I send meetings. I do my best to manage
8 the county. I propose changes for the county
9 relative to -- with those agenda items that relates
10 to improving how we do business and ensuring that
11 we are complying with federal and state guidelines
12 as it relates to hiring, HR practices,
13 purchasing, contract compliance, bidding
14 compliance.
15 I work with other elected officials and the
16 boards that need direction even if it doesn't
17 relate to county business. At times they'll come
18 to the county commissioners and ask about something
19 that has nothing to do with what we do, but I'm a
20 resource to them to link them to the appropriate
21 political subdivision or employee or board or
22 counsel to help address citizen complaints. I
23 often act as a liaison in that capacity to help the
24 public navigate government.
25 Q. Okay. I got the ones I want to talk about a few of

MICHELE NICOLE FRENCHKO

01:28 1 those. Thank you for that list.

2 A. **It's nonexhaustive.**

3 Q. I get it.

4 One of the things you mentioned, and I am not
5 sure if this was one item or two, you said HR
6 meetings advisory panel. Is that one item that you
7 attend HR meetings advisory panel, or you attend HR
8 meetings and advisory panel meetings? I'm not sure
9 if it was one or two different items.

10 A. **It's an HR advisory panel that I recommended.**

11 Q. What is that?

12 A. **It was a panel that I put together in order to give
our HR director measurable, deliverable outcomes.
Measurable outcomes that would identify
deliverables and give our HR director guidance on
policy, improvements to ensure that we're complying
with EEOC, OCRC, diversity, equity inclusion.**

18 Q. Okay. When you say there was a panel you put
19 together, what does that mean?

20 A. **I presented it as a journal agenda item. Because
my board was not accepting my advice, I presented
it that HR professionals should be giving advice on
best practices that the county should adopt.
And that was approved, and subsequently a
panel was put together for that purpose, but -- for**

MICHELE NICOLE FRENCHKO

01:33 1 Q. It did?

2 A. **No. I'm sorry.**

3 Q. It did not?

4 A. **That was a compound question.
I'm sorry, what?**

6 Q. Did the job description that was in existence for
7 the HR director at that time, the time you
8 suggested this advisory panel, provide measurables
9 that could be used to measure performance?

10 A. **No, not in my opinion.**

11 Q. So why start an advisory panel instead of
12 tightening up the job description?

13 A. **As I said, the majority of my board opposed
everything that I suggested and made an effort to
thwart what I was trying to accomplish.
So since they wouldn't be receptive to my
recommendations, then I found that they were
receptive to putting together a panel to give them
advice.**

20 Q. How many people are on the panel?

21 A. **Nine.**

22 Q. Are these paid positions or volunteer?

23 A. **Volunteer.**

24 Q. How were they selected?

25 A. **The other two commissioners put everyone on.**

MICHELE NICOLE FRENCHKO

01:31 1 **that purpose. Yeah.**

2 Q. When was this panel put together?

3 A. **2022, I think. Or maybe 2021. '21 or '22, I
think.**

5 Q. I understand. I'm not holding you to any dates.

6 Let's just be clear that --

7 A. **Approximately.**

8 Q. -- if you are wrong about a date I'm not going to
9 hold it against you. You don't have any notes in
10 front of you. I mean, I understand. I'm just
11 trying to get a sense of when things occurred.

12 So who was the HR director at the time you
13 suggested this -- the establishment of an HR
14 advisory panel?

15 A. **Richard Jackson, God rest his soul.**

16 Q. Who else worked in the HR department or with
17 Richard Jackson at that time?

18 A. **Steven Charles, Rebecca Smith, Nancy Marscio.**

19 Q. At that time did the HR director or anyone else who
20 worked with him have job descriptions?

21 A. **Job descriptions, yes.**

22 Q. Did you believe that the job descriptions did not
23 provide what you would call measurables or ways to
24 measure performance or outcomes?

25 A. **Yes.**

MICHELE NICOLE FRENCHKO

01:35 1 Q. Just picked people?

2 A. **They picked applicants and they decided who was
going to go on.**

4 Q. Who were the other two commissioners? Who are
5 they?

6 A. **Fuda and Cantalamessa.**

7 Q. And Fuda is no longer a commissioner; is that
8 correct?

9 A. **Correct.**

10 Q. Who replaced him?

11 A. **Dennis Malloy.**

12 Q. And who replaced Richard?

13 A. **He's not been permanently replaced yet.**

14 Q. Did someone temporarily or interimly replace him?

15 A. **Yes.**

16 Q. Who?

17 A. **Charles Leightner.**

18 Q. How do you spell his last name?

19 A. **I don't know.**

20 MS. MINAHAN: I can spell it for you,
21 Caryn, if you want it.

22 MS. GROEDEL: Thank you.

23 MS. MINAHAN: L-E-I-G-H-T-N-E-R.

24 MS. GROEDEL: Thank you.

25 MS. MINAHAN: Yes.

MICHELE NICOLE FRENCHKO

01:36 1 Q. And how was Mr. Leightner selected to be the
2 interim or temporary HR director?
3 A. **He had private conversations with Mr. Fuda, and**
4 **recommended himself while serving on the HR panel,**
5 **and after giving the recommendation to give the**
6 **person a raise who holds the position.**
7 Q. Why is the position not filled permanently?
8 A. **Because Trumbull County needed to -- because the HR**
9 **panel ended up receiving the task of selecting**
10 **candidates for the HR permanent position, but the**
11 **person who Frank Fuda promised the job to couldn't**
12 **get past the panel, so he then met with Chuck**
13 **Leightner to give him the task of selecting the**
14 **next HR position without the input of the board of**
15 **commissioners in order to advance someone who was**
16 **politically connected and family to people.**
17 Q. But he hasn't selected anyone yet?
18 A. **Yes.**
19 Q. Yes, I'm right, he hasn't selected someone?
20 A. **No.**
21 Q. He hasn't selected -- Charles Leightner hasn't
22 selected someone yet?
23 A. **Yes, he has.**
24 Q. Who did he select?
25 A. **Alexandra DeVengencie-Bush.**

MICHELE NICOLE FRENCHKO

01:39 1 Q. So are you saying that he unilaterally selected
2 her?
3 A. **Yes.**
4 MS. MINAHAN: Objection.
5 Go ahead.
6 Q. Without a board approval?
7 MS. MINAHAN: Objection.
8 Go ahead.
9 A. **He selected her with the board's -- not with me,**
10 **with the majority of the board and the previous**
11 **commissioner pushing that candidate through who**
12 **didn't meet the minimum qualifications.**
13 Q. When is she to become the permanent, and I use that
14 word loosely, HR director?
15 A. **The end of this month sometime.**
16 Q. And then what will happen to Charles Leightner's
17 position -- employment?
18 A. **He will be gone.**
19 Q. What happened -- why did Rich Jackson leave? What
20 was the nature of his separation from Trumbull
21 County?
22 A. **He had enough years and wanted to retire.**
23 Q. You talked about one of the things that you do as a
24 commissioner, and I am paraphrasing, work on or you
25 are involved with improving HR practices and making

MICHELE NICOLE FRENCHKO

01:41 1 sure there is compliance with the EEOC, diversity,
2 et cetera. What do you do towards improving the HR
3 practices?
4 A. **I have made efforts to -- by presenting policies**
5 **that would require Trumbull County to advertise all**
6 **jobs that are allowable, meaning not required to be**
7 **promoted from within due to collective bargaining**
8 **agreements, externally. And in groups where**
9 **minorities would receive the advertisements, such**
10 **as the Black Ministerial Alliance, OCCHA, which is**
11 **a Hispanic organization. We do Ohio Means Jobs.**
12 **I made sure that we actually had an EEOC**
13 **policy. That it doesn't, though, coincide with our**
14 **practices, so I have made efforts to ensure that we**
15 **do that.**
16 **I made efforts to modify our policy to require**
17 **that even interim positions be advertised or posted**
18 **to give everyone -- everyone in the county, even if**
19 **it's an emergent opportunity, to apply.**
20 **I also -- there is so much in HR that I have**
21 **tried to fix that's been wrong. Also doing**
22 **performance evaluations.**
23 Q. That's what I was just going to ask you.
24 A. **In order to identify -- so that the county can**
25 **identify how people are performing for the purpose**

MICHELE NICOLE FRENCHKO

01:46 1 advertising for the positions, hiring,
2 interviewing, discipline, termination, everything,
3 all the terms and conditions pertaining to their
4 employment?

5 A. **Ostensibly.**

6 Q. What do you mean?

7 A. **We're suppose to.**

8 Q. Do you -- does the board set their salaries?

9 A. **They're supposed to.**

10 Q. Okay.

11 MS. GROEDEL: I'm really having a bad
12 cough. Can we take a five-minute break?

13 Also, while we're on the break, Kathleen, I
14 would like to send you some of the exhibits.

15 If you could give me your new e-mail address.

16 MS. MINAHAN: It's first initial, last
17 name, so K-M-I-N-A-H-A-N at Meyers,
18 M-E-Y-E-R-S-R-O-M-A-N.com. So it's
19 kminahan@meyersroman.com.

20 MS. GROEDEL: Okay. I will --
21 Christina will send the exhibits to you and to
22 Kelli, and if you could send them to
23 Ms. Frenchko, I would appreciate it.

24 MS. MINAHAN: Yes.

25 MS. GROEDEL: Or you can give me her
MICHELE NICOLE FRENCHKO

01:48 1 e-mail address and Christina can send them
2 directly to her, whichever you prefer.

3 MS. MINAHAN: That's fine. I just
4 want to make sure, Commissioner, should I send
5 them to the e-mail address I see on the screen?

6 MS. GROEDEL: We'll just send them to
7 you.

8 - - - - -

9 (Whereupon, a recess was had.)

10 - - - - -

11 Q. We were talking about that -- you said the HR
12 director did not have measurable criteria on his
13 job description, correct, in your opinion?

14 A. **There were duties, but they were not -- there was
nothing to objectively measure his performance.**

16 Q. Is there, today, a new job description for HR
17 director?

18 A. **No.**

19 Q. How are disciplinary -- well, strike that.

20 Let me go into a different subject. You ran on
21 the platform of getting rid of the "Good Ole Boys";
22 correct?

23 A. **Yes.**

24 Q. And --

25 A. **And other things.**

MICHELE NICOLE FRENCHKO

02:17 1 Q. Right. That was one of your platforms?

2 A. **Yes.**

3 Q. And you used, in some of your posts, the word
4 "ole," spelled O-L-E?

5 A. **Yes.**

6 Q. Which is a version of the word "old," O-L-D;
7 correct?

8 A. **That's right, yes.**

9 Q. And when you became commissioner -- strike that.

10 When you used the word "ole," O-L-E, what were
11 you referring to?

12 A. **The good old boys.**

13 Q. And all of the good old boys that you were
14 referring to were over 40?

15 MS. MINAHAN: Objection.

16 But go ahead.

17 A. **I don't understand your question.**

18 Q. I said what do you mean when you used the word
19 O-L-E, and you said the good old boys.

20 A. **Yes. The "Good Old Boys Club," so to speak.**

21 Q. And did the Good Old Boys Club have in its
22 membership any people under 40?

23 A. **Yes.**

24 Q. Who?

25 A. **Anyone who was politically connected and acquired
MICHELE NICOLE FRENCHKO**

02:19 1 **positions, contracts or favor based on connections
and their membership, so to speak, with the club.**

3 Q. When you became commissioner, there were a number
4 of employees you wanted to get rid of; correct?

5 A. **There were some -- I can't answer yes or no to that
question.**

7 Q. When you became commissioner were there any
8 employees you wanted to get rid of?

9 A. **When?**

10 Q. At that time?

11 A. **Yes, and look into more closely their positions
from the inside instead of the outside.**

13 Q. Okay. And which were the employees you wanted to
14 get rid of when you became commissioner?

15 A. **There was one in particular that I thought gave a
black eye and a bad representation to Trumbull
County, and that's Ernest Cook.**

18 Q. Was there anyone else who you wanted to get rid of
19 when you became commissioner?

20 A. **And I wouldn't necessarily say get rid of. There
are people whose performance I questioned, and I
wanted to look more closely from the inside to
verify if what I was hearing, while campaigning,
was true.**

25 **So the way you are asking it assumes that I**

MICHELE NICOLE FRENCHKO

02:21 1 **had a definitive plan when I wanted to learn a bit**
 2 **more. Though I had an opinion, based on what I saw**
 3 **coming into office, that they weren't performing in**
 4 **a fashion which was in the best interest of the**
 5 **county taxpayers.**

6 Q. Any others other than Ernest Cook?

7 A. **That I wanted to look into?**

8 Q. Yes.

9 A. **Yes. Richard Jackson, Jim Misocky.**

10 Q. Who is that?

11 A. **He is a special -- he was a special projects**
 12 **employee with the Trumbull County Board of**
 13 **Commissioners, and their office, who did not have a**
 14 **job description and was working under -- under 30**
 15 **hours a week yet getting paid for 40. And there is**
 16 **a lot of that type of favoritism and things going**
 17 **on.**

18 **Another employee was Mauro DiVieste.**

19 Q. M-O-R-R-O-W?

20 A. **I think it's Mauro, M-A-U-R-O.**

21 Q. Do you know -- and how do you spell the last name?

22 A. **Would you like me to guess?**

23 Q. Yes.

24 A. **D-E-V-I-E-S-T-E {sic}.**

25 Q. Anyone else?

MICHELE NICOLE FRENCHKO

02:26 1 **working the number of hours but getting paid -- he**
 2 **was paid for.**

3 Q. What about Mauro DiVieste?

4 A. **Mauro DiVieste was hired by Ernest Cook, hidden in**
 5 **911, given a created job where he was -- after he**
 6 **was bounced around from several departments. Due**
 7 **to difficulties training him and with his**
 8 **performance, the job that was created for him was**
 9 **under the 911 center where he had no**
 10 **accountability. He did not clock in. He was not**
 11 **in the building, and employees complained about**
 12 **him.**

13 Q. Who?

14 A. **He was also related to a commissioner and other**
 15 **elected officials throughout Trumbull County.**

16 Q. Who complained about him?

17 A. **911 employees who were dispatchers.**

18 Q. Is he still with the county?

19 A. **No.**

20 Q. What about Alexandra -- Alexandra?

21 A. **She made her way, after being pulled up into a**
 22 **position in Jobs and Family Services where they**
 23 **reduced -- I'm sorry, where they reduced the job**
 24 **requirements to advance her because she was related**
 25 **to people in higher positions, then was recently**

MICHELE NICOLE FRENCHKO

38

40

02:24 1 A. **I heard rumors about the maintenance director,**
 2 **also, that I wanted to look into. That would be Al**
 3 **DeVengencie.**

4 MS. MINAHAN: I think I can spell it
 5 if you want a spelling.

6 MS. GROEDEL: It's okay. I'll let
 7 Kelli get that after.

8 Q. Anyone else? Ms. Frenchko, anyone else?

9 A. **I heard, also, about Alex DeVengencie, Alexandra**
 10 **DeVengencie-Bush.**

11 **There were a lot of rumors floating around**
 12 **about employees and Trumbull County.**

13 Q. So Ernest Cook is gone, as is Richard Jackson;
 14 correct?

15 A. **Correct.**

16 Q. What about Jim Misocky?

17 A. **Once it was found that I was having -- that I was**
 18 **requesting information on his employment for the**
 19 **purpose of sending it to the state auditor, and we**
 20 **were required to have all of our employees clock in**
 21 **for work and account for their time, he transferred**
 22 **to work under another elected official to avoid**
 23 **that level of accountability and being a doorway**
 24 **down from me where I would actually be able to**
 25 **verify his presence once I found that he was not**

MICHELE NICOLE FRENCHKO

02:28 1 **hired as the county's HR director and did not meet**
 2 **the minimum qualifications for the job, has zero**
 3 **years' of experience in HR, but was just made the**
 4 **HR director.**

5 Q. Okay.

6 A. **I consider her a "Good Ole Boy."**

7 MS. GROEDEL: Kathleen, did you get
 8 the exhibits?

9 MS. MINAHAN: Yes.

10 MS. GROEDEL: Did you pass them on to
 11 Ms. Frenchko?

12 MS. MINAHAN: I did. I e-mailed them
 13 to her. I don't know if she knows she has them
 14 yet.

15 THE WITNESS: Do I have --

16 Q. I'm about to start asking you about them.

17 MS. MINAHAN: Are you going in order,
 18 Caryn?

19 MS. GROEDEL: No, I am not.

20 MS. MINAHAN: Just let us know which
 21 one you need us to pull up then.

22 Q. Please start with Exhibit 4. It's one of your
 23 posts dated July 29th, 2020.

24 - - - - -

25 (Plaintiff's Exhibit 4 was marked for purposes of

MICHELE NICOLE FRENCHKO

1 identification.)
 2 - - - - -

3 **A. I am not seeing -- okay. I see it.**

4 **Q.** So you would agree this is a post of yours dated
 5 July 29th, 2020 while you were running for
 6 commissioner; correct?

7 **A. Yes.**

8 **Q.** Okay. And you gave a statement to the EEOC in
 9 connection with an investigation it had conducted;
 10 correct?

11 **A. Yes.**

12 **Q.** Can you, please, take a look at Exhibit 5. No,
 13 that's not the right one. That is wrong. Let me
 14 see which one it is. Hold on.

15 Okay. She labeled it Exhibit 6, I'm sorry.

16 - - - - -

17 (Plaintiff's Exhibit 6 was marked for purposes of
 18 identification.)

19 - - - - -

20 **A. Okay.**

21 **Q.** This is part of the EEOC's investigatory file that
 22 was produced in this case, and it's TCBC pages
 23 000263 and 264. Do you have them in front of you?

24 **A. Yes.**

25 **Q.** If you could, look at page -- well, if you could

MICHELE NICOLE FRENCHKO

02:32 **1** just read page 264. Have you seen this before
 2 today?

3 **A. No.**

4 **Q.** Okay. I'll represent to you that this was produced
 5 by your counsel in this case, and that it was part
 6 of an EEOC investigation. I would like you to read
 7 through 264 and tell me if there is anything in
 8 there that you believe is inaccurate.

9 **A. What was the question?**

10 **Q.** Does this accurately represent what you told the
 11 EEOC?

12 MS. MINAHAN: Objection. It was OCRC.

13 MS. GROEDEL: Oh, sorry. Thank you
 14 for correcting me.

15 **A. Yes.**

16 **Q.** Now it says, "Ms. Frenchko stated she did think
 17 they should terminate the HR director, Richard
 18 Jackson, due to the treatment of women."

19 Isn't it possible that he could have been
 20 disciplined or sent to training or warned or
 21 anything short of termination?

22 **A. What's your question again?**

23 **Q.** You said you thought he should be terminated due to
 24 his treatment of women?

25 **A. Yes.**

MICHELE NICOLE FRENCHKO

02:36 **1** **Q.** And I am saying isn't there something, short of
 2 termination, that could have resolved this issue
 3 that you addressed of his treatment of women?

4 **A. No.**

5 **Q.** Did the HR department undergo any kind of
 6 diversity, sensitivity, harassment, retaliation
 7 training?

8 **A. Not to my knowledge.**

9 **Q.** You thought the only appropriate action, due to
 10 what you said was his treatment of women, was to
 11 terminate him; is that accurate?

12 **A. No.**

13 **Q.** You didn't think he should be warned or
 14 disciplined?

15 **A. No.**

16 **Q.** And you didn't think he should be sent for
 17 sensitivity or harassment training?

18 **A. No.**

19 **Q.** So it says in here at the top of the page in the
 20 first full paragraph, "Frenchko stated she never
 21 said she had a list of employees who she wanted to
 22 get rid of." Right? Do you see that?

23 **A. Yes.**

24 **Q.** If you could just turn to Exhibit 7, please.

25 **A. Yes.**

MICHELE NICOLE FRENCHKO

02:39 **1** - - - - -
 2 (Plaintiff's Exhibit 7 was marked for purposes of
 3 identification.)

4 - - - - -
 5 **Q.** You would agree that you posted a message on social
 6 media on November 7, 2020 stating: "I have a list
 7 of department heads I want replaced. I need" --

8 **A. I thought you were finished. Go ahead.**

9 **Q.** "I need to get lists of all county staff who is at
 10 will versus union. I intend to clean house."

11 Do you see that?

12 **A. You asked me two questions.**

13 **Q.** Is that a post that you posted on social media on
 14 November 7th, 2020?

15 **A. No.**

16 **Q.** Do you know who did?

17 **A. I said it's not a post. No, I don't know.**

18 **Q.** Okay. Sorry. A text message exchange, sorry. Or
 19 not text message, iMessage, some kind of can
 20 exchange on November 6th and November 7th. Do you
 21 see that?

22 **A. I see this.**

23 **Q.** Did you type or transmit this message about having
 24 a list of department heads you want replaced?

25 **A. Yes.**

MICHELE NICOLE FRENCHKO

02:41 1 Q. And you had been thinking about getting rid of
2 Ernest, terminating him, since before November 7th,
3 2020; correct?
4 A. **That question doesn't make sense.**
5 Q. He was one of the department heads you wanted
6 replaced; right?
7 A. **Yes.**
8 Q. And you wanted to replace him even prior to this
9 message you transmitted on November 7th, 2020?
10 A. **Can you repeat that?**
11 Q. On November 7th, 2020 you said you had a list of
12 department heads you wanted replaced; right?
13 A. **Yes.**
14 Q. That wasn't -- and Ernest Cook was one of them;
15 correct?
16 A. **Yes.**
17 Q. And you had ideas about replacing him prior to
18 November 7th, 2020; correct?
19 A. **Yes.**
20 Q. And Exhibit 8, if you take a look at that and tell
21 me if that's one of your social media posts dated
22 August 15th, 2020?
23 - - - - -
24 (Plaintiff's Exhibit 8 was marked for purposes of
25 identification.)

MICHELE NICOLE FRENCHKO

02:42 1 - - - - -
2 A. **Yes.**
3 Q. And is this referring to Ernest Cook?
4 A. **Yes.**
5 Q. Does -- was Ernest, to your knowledge, ever warned
6 or disciplined about his performance?
7 A. **I don't know.**
8 Q. Do you know of any employees under the control of
9 the commissioners who received diversity,
10 harassment, discrimination or retaliation training?
11 A. **I don't know.**
12 Q. After you were elected as a commissioner did you
13 receive a copy of the handbook or personnel manual?
14 A. **Yes.**
15 Q. Did you review it?
16 A. **Yes.**
17 Q. Are the commissioners required to follow the
18 policies and procedures set forth in the policies
19 and procedure manual?
20 A. **No.**
21 Q. Are the employees who report to the commissioners
22 required to follow the policies and procedures
23 manual?
24 A. **Yes.**
25 Q. Is this a manual for all employees or just those

MICHELE NICOLE FRENCHKO

02:44 1 who report to the commissioners?
2 A. **It's for Trumbull County employees.**
3 Q. Does the Trumbull County -- have you familiarized
4 yourself with the policies and procedures manual?
5 A. **I repeat, yes.**
6 Q. Was it revised since you've become commissioner?
7 A. **I believe so.**
8 Q. So have you received two since you have been
9 commissioner?
10 A. **I don't know how many. No. I can't answer that
question because I don't know.**
11 Q. Okay. Does the manual contain a progressive
12 discipline policy?
13 A. **Yes.**
14 Q. And is it followed in all circumstances?
15 MS. MINAHAN: Objection.
16 MS. GROEDEL: Let me limit it to the
17 -- a point to the commissioners.
18 MS. MINAHAN: I appreciate that. I
19 still do have an objection on other grounds,
20 but I won't say more because I don't want to
21 influence the witness.
22 MS. GROEDEL: Okay. And they are
23 preserved anyway except as to form.
24 MS. MINAHAN: Thank you.
25 MICHELE NICOLE FRENCHKO

02:46 1 MS. GROEDEL: You're welcome.
2 Q. Are the employees who report to the board supposed
3 to be afforded this progressive discipline under
4 the manual?
5 A. **Yes.**
6 Q. Is the -- so you said that you don't believe that
7 the commissioners are required to follow this
8 procedure manual; right?
9 MS. MINAHAN: Objection. If they're
10 bound by it, or whether they follow it for
11 other employees?
12 MS. GROEDEL: Good distinction.
13 Q. Let's take a look at Exhibit Number 1, if you
14 would, please, Ms. Frenchko.
15 - - - - -
16 (Plaintiff's Exhibit 1 was marked for purposes of
17 identification.)
18 - - - - -
19 A. **Yes.**
20 Q. Do you recognize this as Trumbull County's policies
21 and procedures manual, revised as of November 19th,
22 2021?
23 A. **Yes.**
24 Q. Do you know how it differs, if at all, from the
25 prior version?

MICHELE NICOLE FRENCHKO

02:48 1 A. **No.**
 2 Q. Please take a look at page 27.
 3 A. **Yes.**
 4 Q. This is the *Corrective/Disciplinary Action Principles* section which states in 2.3.11: "Employees shall be advised of expected job behavior, the general types of conduct that the County has determined to be unacceptable" --
 9 A. **I don't see where you are.**
 10 MS. MINAHAN: Yeah, I think you may have given us the wrong page, Caryn. That's not what our page 27 says.
 13 MS. GROEDEL: Hold on. Let me see.
 14 A. **What section is it? I can find it by section.**
 15 Q. Sorry, I'm just pulling it up.
 16 A. **If you can give me the section I can find it.**
 17 MS. MINAHAN: She's looking for it.
 18 THE WITNESS: Okay.
 19 Q. So it's 2.2 -- oh, yeah, it's 17.
 20 MS. MINAHAN: That makes more sense.
 21 A. **Got it.**
 22 Q. So if you look at the *Corrective/Disciplinary Action* section on page 17, do you see where it states that: The appointing authority believes that a clear written corrective discipline policy

MICHELE NICOLE FRENCHKO

02:50 1 will serve to promote fairness and efficiency in the workplace and will minimize potential understanding, et cetera, et cetera.
 4 And then number 1 says: "Employees shall be advised of expected job behavior, the general types of conduct that County has determined to be unacceptable, and the penalties for such unacceptable behavior." Do you see that?
 9 A. **Yes.**
 10 Q. And number 2 says it's the Employer/Supervisor's responsibility to administer discipline; correct?
 12 A. **Number 2.3.1, number 2?**
 13 Q. Yes.
 14 A. **Yes.**
 15 Q. So for Ernest Cook who was -- when he was employed there, who was the employer/supervisor for him?
 17 A. **The board of commissioners.**
 18 Q. Okay. And he was never subjected to any kind of discipline by the board of commissioners, was he?
 20 A. **I do not know.**
 21 Q. Well, to your knowledge, at least since you have been commissioner?
 23 A. **No. Well, discipline -- can you rephrase that? I need you to be clear.**
 25 Q. Sure.

MICHELE NICOLE FRENCHKO

02:52 1 It says corrective -- well, I'm just asking to your knowledge, was he ever on corrective action? Let me phrase it that way.
 4 A. **Can you define "corrective action"? I don't understand your question.**
 6 Q. Well, this policy refers to corrective action, however it is to be defined pursuant to this manual.
 9 Well, let's just say disciplined, to your knowledge was he disciplined?
 11 A. **In the two weeks I was there -- in the, approximately, two weeks that I was there before he was terminated, I am unaware of any discipline.**
 14 Q. Okay. It says in number 4 that: "Corrective action/discipline shall be applied uniformly and consistently throughout the County, and may include counseling and/or formal discipline, as warranted, based on the nature of the violation, the employee's record of discipline and the employee's record of performance and conduct."
 21 Did I read that correctly?
 22 A. **You read that correctly, yes.**
 23 Q. So according to this policy, the county utilizes a panoply of counseling and/or formal disciplinary measures; correct?

MICHELE NICOLE FRENCHKO

02:54 1 MS. MINAHAN: Objection.
 2 Go ahead.
 3 Q. Or can use?
 4 A. **Can you ask that again?**
 5 Q. According to this, number 4, there is an array of various options that can be used to counsel or discipline employees; correct?
 8 A. **Are you talking in accordance with the entire policy and procedure manual or just that section?**
 10 Q. That section?
 11 A. **So could you ask that again?**
 12 Q. According to number 4, there are -- there is an array of counseling and/or formal disciplinary measures that are available to the county for employees who violate policies or procedures or who don't perform satisfactorily; correct?
 17 A. **That's what it says in the policy manual. You are reading it correctly.**
 19 Q. Okay. And the corrective action and discipline is supposed to be applied uniformly and consistently throughout the county; right?
 22 A. **That's what that part of the policy says, yeah. That's what part of the policy says.**
 24 Q. Do you believe that if an employee is not performing well it should be brought to that

MICHELE NICOLE FRENCHKO

02:56 1 employee's attention?
 2 A. Yes.
 3 Q. Was -- why was Ernest Cook terminated?
 4 A. Because the board of commissioners unanimously
 5 voted to terminate him.
 6 Q. Why?
 7 A. We offered no reason.
 8 Q. I'm asking what's the reason?
 9 A. Because he's a fiduciary employee, and according to
 10 the revised code there is no requirement to offer a
 11 reason for termination. The revised code
 12 supersedes anything in any manual.
 13 Q. I understand that. I'm not talking about the
 14 revised code, and I am not talking about the
 15 manual.
 16 A. Well, I answered your question.
 17 Q. Why was he terminated?
 18 A. Because the board of commissioners chose to
 19 terminate him.
 20 Q. Why did the board of commissioners choose to
 21 terminate him?
 22 A. I don't believe I'm permitted to discuss what
 23 occurred in executive session.
 24 Ma'am, are you trying to get me to violate the
 25 sunshine law here?

MICHELE NICOLE FRENCHKO

02:57 1 Q. Oh, please. Please, you know I'm not.
 2 A. Okay.
 3 Q. He is an employee. He is suing for discrimination
 4 based on his termination. He's entitled to know
 5 why he was terminated.
 6 If you don't want to say, just say you are not
 7 revealing or you don't have a reason or whatever
 8 you want to say. I'm not arguing with you, and I'm
 9 not trying to get you to violate anything. I'm
 10 asking a simple question. If you don't want to
 11 tell me, don't tell me.
 12 A. I can't tell you what the board discussed in
 13 executive session. If you would like to rephrase
 14 your question, that might be advisable.
 15 Q. I'm not asking what was discussed in executive
 16 session.
 17 He was sent a termination letter; correct?
 18 A. Pardon?
 19 Q. He was sent a termination letter, wasn't he?
 20 A. I believe so.
 21 Q. And why was no reason given?
 22 A. Because it's not required to give a reason.
 23 Q. So because it's not required doesn't mean you are
 24 not allowed to, does it?
 25 A. You are asking me things that my response would be

MICHELE NICOLE FRENCHKO

02:58 1 part of attorney/client privilege.
 2 MS. GROEDEL: Kathleen, are you
 3 instructing her not to answer, or to answer?
 4 MS. MINAHAN: If her answer is going
 5 to disclose communications from counsel, like,
 6 for example, if counsel advised that that's how
 7 the letter should be drafted, then, correct, I
 8 would advise her not -- I would instruct her
 9 not to answer.
 10 Commissioner Frenchko, is that the
 11 situation where the termination letter was
 12 crafted -- either crafted by counsel or it was
 13 prepared according to his advice?
 14 THE WITNESS: Yes.
 15 MS. MINAHAN: Okay. Then I would
 16 instruct you not to answer that question on the
 17 grounds of attorney/client privilege.
 18 Caryn, I was going to say, I
 19 understand what you are getting at, and I agree
 20 that you are entitled to get there. I'm just
 21 wondering if there is another way that you can
 22 go about asking such that there doesn't have to
 23 be, you know, an opening up of conversations
 24 during executive session.
 25 MS. GROEDEL: I'll try that, Kathleen.

MICHELE NICOLE FRENCHKO

03:00 1 MS. MINAHAN: Okay. If you can.
 2 MS. GROEDEL: I'm certainly not asking
 3 her to violate any sunshine laws or
 4 attorney/client privilege, you know that. I
 5 have to prove pretext, you know that.
 6 MS. MINAHAN: I've got it.
 7 Q. You would agree that Mr. Cook pled guilty to one or
 8 two misdemeanors; correct? Or he pled no contest
 9 to one or two misdemeanors; correct?
 10 A. I don't know if that was his plea. I know that he
 11 was guilty of two offenses.
 12 Q. Were either of the offenses committed while he was
 13 on the job or in connection with his job duties?
 14 A. Can you split those -- I don't think I can answer
 15 it in that way.
 16 Q. Were either of the offenses, to your knowledge,
 17 committed while on the job?
 18 A. No, not to my knowledge.
 19 Q. Did they involve the performance of his job duties?
 20 A. In my opinion, a 911 director is always on call and
 21 available as it relates to emergencies and
 22 reporting of such.
 23 Q. Was he on the clock at the time of the offenses?
 24 A. At the time he was found to be intoxicated while
 25 driving and left the scene of an accident that

MICHELE NICOLE FRENCHKO

03:02 1 **should have been reported to 911?**

2 Q. Well, he wasn't deemed intoxicated actually. The
3 report says he couldn't.

4 A. **Because he went back home and started drinking?**

5 Q. Ma'am, can you not argue with me and answer my
6 question?

7 The question is you said he was guilty of two
8 offenses. You don't know how he pled. My question
9 to you is to your knowledge were either of those
10 two offenses committed in connection with the
11 performance of his job duties?

12 A. **I think it's closely related, not directly.**

13 Q. Was he at the 911 call center?

14 A. **No.**

15 Q. Did he violate any policy or procedure that was in
16 effect at the county at the time?

17 A. **Yes.**

18 Q. Which one?

19 A. **Dishonesty and dishonest action.**

20 Q. So let's look at the handbook that was in effect at
21 the time.

22 A. **Also, falsifying testimony.**

23 Q. One moment, ma'am. There is no question pending
24 right now.

25 A. **Well, that was another one. You asked what he**

MICHELE NICOLE FRENCHKO

03:04 1 **violated, and I said dishonesty and dishonest**
action and falsifying testimony of accidents that
are investigated.

4 Q. And do you believe that there was a policy in
5 effect that he was in violation of at that time?

6 A. **Those are the two policies that he was in violation**
of, and they are Group III Offenses, for which the
first offense includes termination.

9 MS. GROEDEL: Kathleen, do you happen
10 to know, offhand, the document numbers, that
11 are in the policy?

12 MS. MINAHAN: Yeah, I'm looking for it
13 as we speak.

14 THE WITNESS: It's page 25.

15 MS. GROEDEL: We'll mark it after.

16 This can be -- we'll make this 1-A.

17 - - - - -

18 (Plaintiff's Exhibit 1-A was marked for purposes of
19 identification.)

20 - - - - -

21 MS. MINAHAN: Can I clarify that the
22 difference between Exhibit 1 and Exhibit 1-A
23 are the dates of revision?

24 MS. GROEDEL: Yes. I haven't seen any
25 other ones in between the '19 and the '21, if

MICHELE NICOLE FRENCHKO

03:08 1 there is one.

2 MS. MINAHAN: I don't think there is
3 another revision then. I think the question is
4 whether there has been a revision in 2022, and
5 I don't know that any of us can answer that
6 question.

7 MS. GROEDEL: Well, the termination
8 occurred in '21, so --

9 MS. MINAHAN: Right. It shouldn't
10 matter. I am not aware of others.

11 MS. GROEDEL: I believe this 1-A was
12 the one that was in effect when Mr. Cook was
13 employed and when he was terminated, I should
14 say.

15 MS. MINAHAN: I think that's right.

16 Q. So Ms. Frenchko, if you can tell me where you
17 believe -- which policy you believe he violated, I
18 would appreciate it.

19 A. **I just said that it was making false -- wait.**

20 **Falsifying testimony when accidents are being**
investigated, and dishonesty or any dishonest
action.

23 Q. What page or what section?

24 A. **I already said that as well. It was Group III**
Offenses, and I gave the page number. It was page

MICHELE NICOLE FRENCHKO

03:09 1 **number 25. If you need the section, I can give you**
the section. It's 2.3.6, Grounds For Disciplinary
Actions and Penalties.

4 **There is, also, lower offenses as well, such**
as willful disregard of county policies, but when
you are looking at refusing to give testimony when
accidents are being investigated -- you know, there
is conduct violating accepted morality and common
decency. There are many more, but some of them,
the first two that I mentioned, results in
termination with one offense.

12 Q. Can you tell me where in here it says that this
13 applies -- that those provisions apply to employees
14 off duty, not working, not performing their job
15 duties, not on county time?

16 Because what I see is work performance reports,
17 application for employment, all things related to
18 employment. If I'm wrong, please feel free to
19 illuminate for me where it says that this applies
20 to out of work activity.

21 A. **I'm sorry, can you ask that again?**

22 Q. Can you tell me where the provisions that you claim
23 he violated state that they apply to people when
24 they're not working?

25 A. **I'm under the understanding that it's to our**

MICHELE NICOLE FRENCHKO

03:12 1 **discretion because it's silent, and some of them**
 2 **include things that are contrary to the revised**
 3 **code such as participating in partisan political**
 4 **activity, and if you're classified then that's also**
 5 **something that you could be doing on your private**
 6 **time which is actually still violating county**
 7 **policy.**

8 **So based on what I'm reading, and my**
 9 **understanding, and given the fact it's silent, it's**
 10 **my opinions he absolutely violated our county's**
 11 **policy in several categories.**

12 Q. I'm trying to ask a very short, specific question.
 13 Is there, to your knowledge, a provision in Exhibit
 14 1-A that states that the dishonesty, dishonest
 15 testimony, applies to employees off duty, not on
 16 the clock? Simple yes, no, or "I don't know."

17 A. **I don't know.**

18 Q. And you would agree that there is discretion in how
 19 the disciplinary policy is enforced, or was at this
 20 time; correct?

21 A. **You asked two different questions.**

22 Q. No, I didn't.

23 A. **Yeah. You said on how it was done or how it was**
 24 **done in this case. Can you please clarify and ask**
 25 **one question at a time?**

MICHELE NICOLE FRENCHKO

03:15 1 Q. I'm not. It's specific to Ernest Cook and his
 2 staff to attend work-related conferences and
 3 training and support classes.

4 A. **If it was the first meeting of the year, then it is**
 5 **a standard for all department heads, and we name**
 6 **them when we have a department head.**

7 Q. It was also shortly before he was terminated that
 8 the board voted to make him the board of
 9 commissioners' representative to the Trumbull
 10 County Emergency Management Agency Executive
 11 Committee for calendar year 2021; correct?

12 A. **Yes.**

13 Q. He, Mr. Cook, had a job description at the time of
 14 his termination; correct?

15 A. **I don't know.**

16 Q. To your knowledge, did he violate any of the -- did
 17 he violate any of the obligations -- oh, you don't
 18 even know if he had a job description; is that what
 19 you are saying?

20 A. **Yes. Again, I was only there about two weeks as**
 21 **commissioner.**

22 Q. Okay.

23 To your knowledge, even though you were there
 24 just for two weeks at the time, did his termination
 25 have anything to do with not following any of the

MICHELE NICOLE FRENCHKO

03:14 1 Q. It is one question.

2 At the time of Mr. Cook's termination did the
 3 county commissioners have discretion in terms of
 4 the application of the disciplinary policy that was
 5 in effect at the time?

6 A. **Yes.**

7 Q. Shortly before Mr. Cook was terminated the board
 8 voted to grant permission to him to attend
 9 work-related conferences such as the National
 10 Emergency Number Association; correct?

11 A. **Yes.**

12 Q. And to provide him training and support classes
 13 during calendar year 2021; correct?

14 A. **Yes.**

15 Q. And that is set forth on the last page of Exhibit
 16 3; correct?

17 - - - - -

18 (Plaintiff's Exhibit 3 was marked for purposes of
 19 identification.)

20 - - - - -

21 A. **I don't see it, but if you're referring to our**
 22 **reorganizational meeting where we, as a standard,**
 23 **reapprove all training for all department heads,**
 24 **then I'm assuming that that's what you are looking**
 25 **at, and it's correct.**

MICHELE NICOLE FRENCHKO

03:17 1 requirements of his job description, or of his job
 2 duties?

3 A. **I can't answer that.**

4 MS. MINAHAN: Can I understand why you
 5 can't answer it? Is that because it invokes
 6 executive session discussions?

7 THE WITNESS: Yes, and attorney/client
 8 privilege, not with you.

9 MS. MINIHAN: Okay.

10 Q. With whom?

11 MS. MINAHAN: You can give the name.

12 A. **Curt Ambrosy.**

13 Q. Who is that?

14 A. **The attorney for the board of commissioners who did**
 15 **HR consulting the first week of January 2021.**

16 Q. And Mr. Cook was terminated without having been
 17 warned or afforded any discipline or progressive --
 18 I'm sorry, let me withdraw that.

19 Mr. Cook was terminated without having been
 20 afforded any progressive discipline; correct?

21 A. **That's correct, as far as I know. I don't know if**
 22 **there was -- again, I started two weeks before. I**
 23 **don't know why -- you're asking me things where I**
 24 **have a small window of actually being elected, and**
 25 **you are asking about things prior to that I**

MICHELE NICOLE FRENCHKO

03:19 1 **wouldn't necessarily know from being on --**
 2 Q. In connection with the offenses for which he pled
 3 or was convicted, that's what I'm referring to, for
 4 those he was not afforded progressive discipline;
 5 correct? He was just terminated?
 6 A. **Is this a question or a statement?**
 7 MS. MINAHAN: I think she's trying to
 8 clarify what she is asking is in relation to
 9 those offenses that Mr. Cook was convicted of,
 10 was there any -- was there anything short of
 11 termination that you used to try to change his
 12 behavior.
 13 A. **In the two weeks I was there, no.**
 14 Q. Okay. Do you know who Dale Hahne or Hahne,
 15 H-A-H-N-E, is?
 16 A. **Not really. I know he's a 911 employee, or was.**
 17 Q. Was he an employee when you became commissioner?
 18 A. **I think so.**
 19 Q. So he reported directly to the commissioners;
 20 correct?
 21 A. **No.**
 22 Q. As a 911 employee he didn't?
 23 A. **No.**
 24 Q. Okay.
 25 Charles Parks, do you know who he is?

MICHELE NICOLE FRENCHKO

03:22 1 Q. Was he afforded progressive discipline?
 2 A. **I don't think so. I can't remember specifically,**
 3 **but I don't think he was.**
 4 Q. Was he provided a severance package?
 5 A. **I can't remember. These are issues that I wouldn't**
 6 **have been associated with.**
 7 Q. Who would be associated with that?
 8 A. **HR.**
 9 Q. Do you know who Charles Parks is?
 10 A. **Yes.**
 11 Q. He's an employee of Trumbull County; correct?
 12 A. **Yes.**
 13 Q. What is his current position?
 14 A. **I am not sure of the specific title.**
 15 Q. Something in maintenance?
 16 A. **I think it's groundskeeping.**
 17 Q. What was his prior position?
 18 A. **Assistant -- I think it was assistant dog warden.**
 19 Q. Assistant deputy dog warden maybe? Well, whichever
 20 the specific name was --
 21 A. **Whatever the union employee -- he's in the union,**
 22 **so whatever it said, the contract says his title**
 23 **was.**
 24 Q. As assistant deputy dog warden, or assistant dog
 25 warden, was the board of commissioners the

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66
 03:20 1 A. **Yes.**
 2 MS. MINIHAN: Can I interrupt quickly?
 3 MS. GROEDEL: Of course.
 4 MS. MINIHAN: I don't want to have a
 5 misunderstanding here.
 6 Commissioner Frenchko answered that
 7 question correctly because, Caryn, your
 8 question was does he report directly to the
 9 board of commissioners. I'm not sure that's
 10 the question you want to ask her.
 11 Q. Are they the appointing authority for that
 12 position, ma'am?
 13 A. **Can you ask again? You just said two different**
 14 **things, my attorney spoke, and now you are asking a**
 15 **question that I don't quite follow.**
 16 Q. Was the board of commissions the appointing
 17 authority for Dale Hahne?
 18 A. **Yes.**
 19 Q. Was he terminated?
 20 A. **I think so. Yes. I think so.**
 21 Q. Why?
 22 A. **It was recommended based on an investigation of the**
 23 **interim 911 director.**
 24 Q. Who was that?
 25 A. **Patty Goldner.**

MICHELE NICOLE FRENCHKO

68
 03:24 1 appointing authority for him?
 2 A. **Yes.**
 3 Q. And he was convicted of one or more crimes in
 4 connection with the performance of his job duties;
 5 correct?
 6 A. **Yes. I think -- I can't -- I have not read the**
 7 **disposition of his case, but there was a plea**
 8 **associated, so I can't -- I'm not a hundred percent**
 9 **certain.**
 10 Q. Okay.
 11 MS. GROEDEL: Well, I'm close to the
 12 end, so what I would like to do is take a
 13 break. I'm going to find those papers for you
 14 about him, and then we'll take a ten-minute
 15 break, and then we'll wrap up. Okay?
 16 MS. MINIHAN: Okay.
 17 - - - - -
 18 (Whereupon, a recess was had.)
 19 - - - - -
 20 MS. GROEDEL: I'm going to send you,
 21 Kathleen, Exhibit 9.
 22 - - - - -
 23 (Plaintiff's Exhibit 9 was marked for purposes of
 24 identification.)
 25 - - - - -

MICHELE NICOLE FRENCHKO

03:51 1 MS. GROEDEL: If you could forward them to Ms. Frenchko, that would be great.

2 MS. MINAHAN: I haven't received it

3 yet.

4 Q. Ms. Frenchko, we'll get to the report or the court docket in a moment, but with respect to Mr. Parks, he was convicted or pled guilty to a crime in connection with his job duties as assistant dog warden; correct?

5 A. **That's correct.**

6 Q. It was either abuse or neglect of the animals that he was at least partly responsible for caring for; correct?

7 A. **I believe it was forgetting to feed an animal on a shift, so it must have been neglect, or something.**

8 Q. And he was not terminated; correct?

9 A. **That's correct.**

10 Q. He was transferred to a different position in a different department; right?

11 A. **Ultimately.**

12 Q. And does that position report directly -- or is the appointing authority for that position the commissioners?

13 A. **Yes.**

14 Q. And he is on probation for two years or more; is

MICHELE NICOLE FRENCHKO

03:55 1 Exhibit 9?

2 A. **In part.**

3 Q. Which one, or ones?

4 A. **Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Rewarding and disciplining employees and addressing complaints and resolving problems.**

5 **And then I don't know -- I honestly don't know if he was on call when that happened, because it says the position required extended hours and on-call coverage. I honestly don't know that.**

6 **That's why I was saying, as far as my understanding is, since I have been working, the interim director has always been available unless they're on vacation, at any hour you can call them.**

7 Q. Which items --

8 A. **I'm looking at the job description you sent me.**

9 Q. Which paragraph, which item, I'm simply asking.

10 A. **Hang on, I'm looking. I can't see it. It's too bright.**

11 MS. MINAHAN: What you read, if it helps, is immediately under where you see the percentages, you were reading supervisory responsibilities.

MICHELE NICOLE FRENCHKO

70

03:53 1 that correct?

2 A. **I have no idea.**

3 Q. Was there an employee who -- I'm trying to think of the name, who was in the performance of job duties accidentally killed someone, or ran over someone?

4 A. **Not to my knowledge. No one under the board of commissioners, period, since I have been there.**

5 MS. GROEDEL: Did you receive the job description I sent you, Kathleen?

6 MS. MINAHAN: I did, and I forwarded it.

7 MS. GROEDEL: Okay.

8 Q. Ms. Frenchko, if you could look at Exhibit 9, please.

9 A. **Yes, I am.**

10 Q. You would agree that Mr. Cook's termination was not for violating any of the items on -- in this job description; correct?

11 MS. MINAHAN: I would just object. I think she can testify for why she voted that way. I don't know that she can testify for how the board voted.

12 MS. GROEDEL: That's fair.

13 Q. To your knowledge, did Mr. Cook -- did you vote for his termination for violating any of these items on

MICHELE NICOLE FRENCHKO

72

03:57 1 Caryn, if that helps, that's what she was reading.

2 MS. GROEDEL: Is that under 40 percent, 10? I don't see it.

3 MS. MINAHAN: So there is a breakdown of all the percentages of how much they have to do and then underneath there is a bunch of things, she was reading the first one that's underneath all of those percentages.

4 MS. GROEDEL: On page 2?

5 MS. MINAHAN: Correct.

6 Q. Was Mr. Cook ever, to your knowledge --

7 A. **Wait. I'm not done.**

8 Q. Oh.

9 A. **It also requires him to be able to facilitate cooperation with public safety agencies, and that's under Other Skills & Abilities. Do you see that?**

10 Q. Right.

11 A. **Ability to identify and solve problems and critical problems in a timely manner and deal with a variety of situations.**

12 **Let's see. Ability to interpret things such as safety rules and the procedure manual. And the individual must be able to perform essential duties satisfactorily, and that involves working with**

MICHELE NICOLE FRENCHKO

03:59 1 **other safety service agencies as well, and with a**
 2 **staff. You know, you have to be to have a staff**
 3 **that respects you.**
 4 Q. Are you done, or is there more?
 5 A. **I mean, looking at this in part it's everything --**
 6 **a lot of what's under, as I just mentioned, under**
 7 **supervisory responsibilities, but that's just part.**
 8 Q. Is there any documentation that the board of
 9 commissioners ever informed Mr. Cook that he was
 10 inadequately performing anything on this job
 11 description?
 12 A. **I don't know.**
 13 Q. Have you seen anything?
 14 A. **No, not in the two weeks that I was there while he**
 15 **was there.**
 16 Q. Okay. Let me see if Christina sent these.
 17 Since you have been commissioner, how many
 18 lawsuits have been filed against you or the board
 19 of commissioners?
 20 A. **I'm not sure that I'm able to answer that.**
 21 Q. Well, tell me the ones that you're aware of that
 22 you can answer.
 23 MS. MINAHAN: And don't worry about
 24 the gag order, Commissioner, for purposes of
 25 this question.

MICHELE NICOLE FRENCHKO

04:03 1 against you including throwing water at someone;
 2 correct?
 3 A. **Can you not ask a compound question?**
 4 Q. Then there was no way to ask that the way it was
 5 asked.
 6 There have been other allegations against you,
 7 not named in those lawsuits, including throwing
 8 water at an employee; correct?
 9 A. **By whom?**
 10 Q. Have you been accused by any Trumbull County
 11 employee of throwing water at them?
 12 A. **Yes.**
 13 Q. Who?
 14 A. **Mike Salamone.**
 15 Q. And --
 16 A. **And I believe it was splashing water.**
 17 Q. I stand corrected.
 18 Have you been accused of making statements
 19 offensive to national origin, Italian, or any other
 20 national origins?
 21 A. **Have I been accused of that?**
 22 Q. Yes.
 23 A. **I have been accused of that, yes. I don't --**
 24 THE WITNESS: I think that it's -- and
 25 you are saying for the gag order I'm permitted

MICHELE NICOLE FRENCHKO

04:01 1 THE WITNESS: Okay. That's exactly
 2 what I was thinking.
 3 MS. MINAHAN: Yeah. Don't worry.
 4 A. **Paula Vivoda-Klotz, Dawn Gedeon, Lisa DeNunzio**
 5 **Blair, Christine Glenn.**
 6 Q. I'm sorry, you said Paula Klotz, Dawn Gedeon,
 7 Christine Glenn? Did you say something with Blair?
 8 A. **Lisa Blair.**
 9 Q. Ernie Cook?
 10 A. **Ernie Cook.**
 11 **And then there was a man who was -- there was**
 12 **a man who was a public defender, or something, that**
 13 **wanted to have a contract. I don't remember his**
 14 **name. Russo, maybe. Russo, attorney Russo.**
 15 **Those are the ones I'm aware of that the board**
 16 **of commissioners are responsive to. There may be**
 17 **other lawsuits wherein the board of commissioners**
 18 **are named because by statute, you know, you have to**
 19 **sue the commissioners even if it's the sheriff, for**
 20 **example.**
 21 Q. I understand. Okay.
 22 And is it true that --
 23 A. **And if I forgot one, I apologize. It's not on**
 24 **purpose.**
 25 Q. Okay. There have been other public accusations

MICHELE NICOLE FRENCHKO

04:05 1 to answer this?
 2 MS. MINAHAN: Yes, you are. I'll stop
 3 you if I think you're running afoul, but --
 4 A. **Only Italian.**
 5 **So you said "and other" and I just want you to**
 6 **know that I have only been accused of anything**
 7 **related to that, so --**
 8 Q. And did you accuse an employee of physically
 9 hurting you?
 10 A. **I'm sorry, there is like background noise. I heard**
 11 **two different things.**
 12 Q. Did you accuse an employee of physically hurting
 13 you?
 14 A. **Yes.**
 15 Q. Who was that?
 16 A. **Chuck Leightner.**
 17 **There were two, actually, that physically hurt**
 18 **me.**
 19 Q. Who was that?
 20 A. **One was Charles Lightener, and one was Shara**
 21 **Taylor.**
 22 Q. There have been a number of negative articles about
 23 you in various newspapers since you became
 24 commissioner; correct?
 25 A. **That's correct.**

MICHELE NICOLE FRENCHKO

04:07 1 Q. And do you think they put a black eye on Trumbull
2 County or the commissioners?
3 A. **Do I think -- I'm sorry, do I believe that the news**
4 **has put a black eye on the commissioners?**
5 Q. All the lawsuits, the allegations against you, the
6 allegations you have lodged against employees since
7 you have been become commissioner?

8 MS. MINAHAN: I'm going to just place
9 an objection because I'm not so sure the
10 question is clear enough for Commissioner
11 Frenchko to answer it.

12 MS. GROEDEL: Just state your
13 objection, Kathleen, without the reason unless
14 it's to the form. If she can't answer I told
15 her to please let me know, or if she didn't
16 hear it.

17 A. **Can you ask it again?**

18 MS. MINAHAN: You can answer. You can
19 answer.

20 A. **I think it was a confusing jumbled question, and I**
21 **would appreciate it if they can be clear and**
22 **specific one at a time, not lumping things**
23 **together.**

24 Q. Do you believe all the publicity about you, and
25 that you have made about others, since you became

MICHELE NICOLE FRENCHKO

04:10 1 Q. But I'm lumping them all together on purpose. I'm
2 not saying do you think the Paula Klotz lawsuit
3 against you was a black eye. Do you think the
4 Christine Glenn lawsuit --
5 A. **I can't answer them like that. I can't answer them**
6 **together. I can't answer that lumped together.**
7 **I'm not able to.**
8 Q. Okay.
9 A. **Okay.**
10 Q. Do you believe there has been a significant amount
11 of adverse publicity against you and the
12 commissioners since you took office?
13 MS. MINAHAN: Objection.
14 Go ahead.
15 A. **I don't -- can you define that, or be more clear?**
16 Q. Which word do you not understand?
17 A. **Well, you are lumping me with the commissioners,**
18 **and you also said significant.**
19 Q. However you define significant. I can't make them
20 three sentence questions, ma'am. So just do the
21 best you can and your lawyer will object, and we
22 can finish up this deposition. Okay?
23 I can't -- sorry that you don't like my
24 questions, and that you want them to be five words
25 long. I can't do that.

MICHELE NICOLE FRENCHKO

78

80

04:08 1 commissioner is a black eye on the commissioners or
2 the county?

3 A. **Can you separate those, please? I can't answer**
4 **them together.**

5 Q. Which part can't you answer?

6 A. **Can you please separate your question? It's**
7 **compound.**

8 Q. Do you believe all the accusations and lawsuits
9 against you, and your accusations against employees
10 of the county --

11 A. **I'm asking you to separate them.**

12 Q. I'm grouping them together. Do you believe all of
13 this drama and lawsuits and adverse articles about
14 you and the county are a black eye?

15 A. **I don't know.**

16 MS. MINAHAN: Objection.

17 Q. Okay. Fair enough.

18 A. **And I can't answer your questions when they're**
19 **lumped in together. It's unfair, I believe, to ask**
20 **a question -- you gave me instructions at the**
21 **beginning of depositions, and I am trying to answer**
22 **them and respond to you as you instructed.**

23 **So if you can, please, separate them, not make**
24 **them compound, and ask them individually, it would**
25 **be easier for me to respond.**

MICHELE NICOLE FRENCHKO

04:11 1 So your lawyer will object, and answer, don't
2 answer. If you don't want to answer, you don't
3 have to answer. I'm not going to argue about my
4 questions.

5 Significant, do you believe your --

6 A. **Okay. Thank you. I appreciate you saying if you**
7 **don't want to answer, you don't have to answer.**
8 **Okay.**

9 Q. Do you believe your actions have caused a
10 significant amount of drama for the county or the
11 commissioners?

12 MS. MINAHAN: Objection.

13 Go ahead.

14 A. **No. That was a completely different question, too,**
15 **but, no.**

16 Q. Do you -- have you been to law school? Have you
17 attended law school, any classes in law school?

18 MS. MINAHAN: Commissioner, are you
19 there?

20 THE WITNESS: I was waiting to see if
21 there is an objection.

22 MS. MINAHAN: Oh, okay. No objection.
23 She wants to know if you have gone to law
24 school.

25 A. **No.**

MICHELE NICOLE FRENCHKO

04:13 1 Q. Please take a look at Exhibit 10.

2 - - - - -

3 (Plaintiff's Exhibit 10 was marked for purposes of
4 identification.)

5 - - - - -
6 MS. MINAHAN: Here we go. Here's the
7 second set. Okay. Hang on.

8 I'm sending it now, Commissioner. Let me
9 know when you receive it.

10 THE WITNESS: I've received it.

11 MS. MINAHAN: Okay. So can you pull
12 up Exhibit 10?

13 THE WITNESS: Yes. Okay.

14 Q. You would agree that the first page is an *Employee
15 Complaint Form* that Christine Glenn filed on -- or
16 that is dated September 1st, 2021; correct?

17 MS. GROEDEL: Kathleen, can you tell
18 your client to answer?

19 MS. MINAHAN: Oh, yeah. I assumed she
20 was reading it.

21 You can go ahead and answer, Commissioner.

22 A. **It's many pages. So do you want me to read it, or
23 do you want me to answer before you ask the --**

24 Q. I said --

25 A. **I understand you are getting impatient, but I would**

MICHELE NICOLE FRENCHKO

04:15 1 **like to be able to read what you are sending me so
2 that I can respond accurately. Is that okay?**

3 Q. Yeah. That's fine. I'm right now just asking
4 about the first page.

5 A. **So that's why there is several pages here. So can
6 you define what exactly you are -- just -- what are
7 the other pages? There are several pages, so you
8 can --**

9 MS. GROEDEL: Can you read back my
10 question, Kelli, please?

11 - - - - -

12 (Thereupon, the requested portion of
13 the record was read by the Notary.)

14 - - - - -

15 A. **Yes.**

16 Q. And you would agree that in this complaint form she
17 accuses you of false -- of making frivolous
18 accusations against her; correct?

19 A. **Yes.**

20 Q. And she says in the form she would like you to
21 leave her alone and let her do her job as she has
22 done for almost ten years; correct?

23 A. **Which sentence is that?**

24 Q. The last.

25 A. **Yes.**

MICHELE NICOLE FRENCHKO

04:17 1 Q. Now look at page 2 of this exhibit.

2 A. **Okay.**

3 Q. You would agree with me that this appears to be a
4 copy of Christine Glenn's August 31st, 2021 letter
5 to Richard Jackson, subject: Complaint regarding
6 Commissioner Niki Frenchko; correct?

7 A. **Yes.**

8 Q. And in this she accuses you, among other things, of
9 badgering and bullying her daily; correct?

10 A. **Where is that?**

11 Q. It's the first sentence.

12 A. **Yes.**

13 Q. And of sending her e-mails that are both degrading
14 and insulting; correct?

15 A. **I see that's what she wrote, yes.**

16 Q. Please take a look at Exhibit 11.

17 - - - - -

18 (Plaintiff's Exhibit 11 was marked for purposes of
19 identification.)

20 - - - - -

21 A. **Okay.**

22 Q. Have you seen this before today? Take your time
23 and let me know once you have reviewed it.

24 A. **Is this what you just gave me a few minutes ago?**

25 Q. Yes. I'm asking if you have seen this document --

MICHELE NICOLE FRENCHKO

04:19 1 or not this particular one, an original or a copy
2 of this document before today?

3 A. **This is the first time I'm reading this. Do you
4 want me to read it?**

5 Q. Sure.

6 A. **The entire -- you want me to read the entire thing
7 right now?**

8 Q. No, you don't need to.

9 A. **I believe you had me already read one set, page 64
10 earlier. Yes, you had me read page 64 of this
11 today.**

12 Q. My question is have you seen this document or a
13 copy of it or the original of it before today,
14 ma'am?

15 A. **I believe that my attorney sent it to me, but I
16 didn't have the occasion to review it.**

17 Q. Okay.

18 A. **That's why I'm asking you if you want me to review
19 it.**

20 Q. No, thank you. I'll just ask you a few questions
21 about it.

22 Is it true that you told the EEOC -- the OCRC
23 that it was a black eye for Ernest Cook to work
24 through the court system -- to remain employed
25 while his case was going through the court system?

MICHELE NICOLE FRENCHKO

04:21 1 Ma'am?

2 A. **Due to his accident -- I don't know if that's**
exactly what I said, but, yeah.

3 Q. But yeah, what?

4 A. **I probably said incident. I don't think it's an**
accident whenever someone leaves the scene of an
accident, especially if someone knows about the
reporting requirements and is the 911 director.

5 **So I didn't say accident, I probably said**
incident.

6 Q. Okay.

7 A. **But, yeah, I do believe I did say something similar**
to this.

8 Q. That he remained employed while his case was going
 9 through the legal system?

10 A. **Yeah.**

11 Q. So he should be fired based on an allegation before
 12 he pled or was convicted?

13 A. **I believe it was an embarrassment.**

14 Q. Can you answer my question?

15 A. **What was the question again? I'm sorry.**

16 Q. You said you believe it was a black eye that he was
 17 working while his case was going through the court
 18 system; correct?

19 A. **Yes.**

MICHELE NICOLE FRENCHKO

04:22 1 Q. Isn't a person supposed to be proven innocent -- is
 2 supposed to be assumed to be innocent until proven
 3 guilty?

4 A. **Yes.**

5 Q. You knew about his accident before you ran for
 6 office; correct?

7 A. **The incident that involved him and the hit-skip and**
being intoxicated, yes, I was aware of that
situation.

8 **Accidents can be prevented but -- accidents --**
I don't know -- can't be prevented, but this was
something was preventable, so I don't like calling
it an accident. I prefer to call it an incident.

9 Q. Whatever you want to call it, ma'am.

10 A. **Okay.**

11 Q. You would agree that this document states, in the
 12 middle of the second page, that you said you knew
 13 about the charging party's accident before you ran
 14 for office from being in the public and community.

15 A. **Yes, I was aware of the accident.**

16 Q. True or false?

17 A. **I was aware of the entire incident.**

18 Q. You would also agree that this document says that
 19 you stated, and this is in the second to last
 20 paragraph of page 261, that everything mattered

MICHELE NICOLE FRENCHKO

04:24 1 concerning your reason for voting to terminate him;
 2 correct?

3 A. **Yes. Yes.**

4 Q. You would also agree that Ms. DeVengencie-Bush was
 5 not -- was found to have been involved in making
 6 videos during the hours she worked for Trumbull
 7 County; correct?

8 A. **Yes.**

9 Q. And she was found to have lied about the number of
 10 videos she had made during work hours; correct?

11 A. **Yes.**

12 Q. And she was not disciplined for making the videos
 13 while being paid by the county; correct?

14 A. **That is correct.**

15 Q. Or for lying about the number of videos she made
 16 while being paid by the county; correct?

17 A. **Unfortunately, that's correct.**

18 Q. Let's take a look at Exhibit 12, please.

19 - - - - -

20 (Plaintiff's Exhibit 12 was marked for purposes of
 21 identification.)

22 - - - - -

23 Q. Do you know what this document, which is TCBC 3319
 24 is referring to where it says, "Subject: Find out
 25 about Ernie meeting - per NF."

MICHELE NICOLE FRENCHKO

04:26 1 A. **I'm looking at 13. I'm sorry, they're not showing**
up on my screen.

2 **Which number are we looking at?**

3 MS. MINAHAN: 12.

4 A. **Okay. It says, "Subject" -- I don't know what this**
document is, I'm sorry. What is this?

5 Q. I don't know. I was asking if you know, because it
 6 says NF, which I assumed, maybe incorrectly, was
 7 Niki Frenchko, but if you don't know, we can just
 8 move on.

9 A. **I have no idea what this document is.**

10 Q. Okay. Please take a look at Exhibit 13.

11 - - - - -

12 (Plaintiff's Exhibit 13 was marked for purposes of
 13 identification.)

13 - - - - -

14 A. **Okay.**

15 Q. Have you seen this document, statement of Richard
 16 Jackson, before today?

17 A. **I have not seen this.**

18 Q. Okay. Please take a look at Exhibit 14.

19 - - - - -

20 (Plaintiff's Exhibit 14 was marked for purposes of
 21 identification.)

22 - - - - -

23 (Plaintiff's Exhibit 14 was marked for purposes of
 24 identification.)

25 - - - - -

MICHELE NICOLE FRENCHKO

04:28 1 A. Okay.

2 Q. Earlier you said you weren't sure what the end
3 result was or what the conviction was in connection
4 with Mr. Parks, so I am showing you a public record
5 of the summary of the four charges for Mr. Parks,
6 and the one that he pled no contest to. Do you see
7 that?

8 A. **I see charges. You want me to see charges, the**
9 **second paragraph down?**

10 Q. Right.

11 A. **No contest -- I'm having a hard time seeing this**
12 **one. It's blurry. It's extremely blurry.**

13 MS. MINAHAN: So am I.

14 A. **I don't know what you want me to say. I can't see**
15 **this.**

16 Q. Number 1?

17 A. **I can't see this. I can't see this because it's**
18 **blurry, and I can't see it.**

19 Q. Okay.

20 A. **I mean, if you want to tell me something, that's**
21 **fine, but I can make out the larger print, parties,**
22 **charges, events, process actions, and the rest of**
23 **it is a bit blurry. I apologize. It is not clear.**

24 Q. I will tell you that what this document says he
25 pled no contest to and was found guilty of was

MICHELE NICOLE FRENCHKO

04:31 1 **because I have never seen any document, so this**
2 **cannot cause me to remember something that I am not**
3 **aware of, that I have never been made aware of by**
4 **reading anything relative to the case.**

5 Q. So you are saying that an employee, whose
6 appointing authority was the board of
7 commissioners, was convicted of a crime of
8 depriving animals of food or water, as part of his
9 job, was something you were not aware of? Is that
10 what you're saying? Yes or no?

11 A. **I don't know. Is there a date on this?**

12 Q. The disposition date is 3/8 of '23.

13 A. **So what's today's date? How many days ago was**
14 **this?**

15 Q. Last week.

16 A. **No, I have not received a copy of this.**

17 Q. Ma'am, I'm asking you to try to listen to my
18 question. Did you know that he was convicted of
19 the crime of depriving food and water to animals?

20 A. **I knew that he took a plea and ended up being**
21 **convicted of a misdemeanor, but it was through word**
22 **of mouth, not by actually reading this, because he**
23 **already had everything settled with his transfer to**
24 **another department prior to the disposition of the**
25 **case.**

MICHELE NICOLE FRENCHKO

90

04:30 1 prohibition concerning companion animals,
2 depravation of food and water, and then it looks
3 like a code section 959.131(D)(2).

4 Does that refresh your recollection of what he
5 was convicted of?

6 A. **I don't know what he was convicted of. I never**
7 **read any paperwork regarding it, but if you're**
8 **telling me that that's what happened, okay. I**
9 **don't know how to respond. I have no recollection**
10 **of something that I have never seen.**

11 Q. Ma'am, I said I know you have never seen this
12 before.

13 Can you please try to not be so argumentative
14 with me, and let's just be cordial with me and try
15 to get through it?

16 A. **You sent me a blurry document. I am unable to read**
17 **it. I apologize.**

18 MS. MINAHAN: Okay, guys, I think the
19 question that was asked was you did ask her if
20 it refreshed her recollection, and I believe
21 that's the problem that Commissioner Frenchko
22 has.

23 But you didn't have a recollection to be
24 refreshed, is that what you are saying?

25 A. **Exactly. I have nothing to recall relative to this**

MICHELE NICOLE FRENCHKO

92

04:33 1 **Does that clear it up for you?**

2 Q. So you didn't know? It's really yes or no. Your,
3 you know, soliloquies are not necessary.

4 MS. MINAHAN: Objection.

5 Q. Did you know that he was -- at any time before
6 today, that he was convicted of deprivation of food
7 and water, depriving food and water to animals?

8 A. **I have heard that said, but I have not had any**
9 **ability to prove it.**

10 Q. And that was in connection with his job duties for
11 Trumbull County; correct?

12 A. **Yes.**

13 Q. Take a look at Exhibit 15, please.

14 - - - - -

15 (Plaintiff's Exhibit 15 was marked for purposes of
16 identification.)

17 - - - - -

18 A. **Yes.**

19 MS. MINAHAN: Can you give me just a
20 second? I'm not there.

21 THE WITNESS: I'm not there either.

22 A. **Wait. I clicked 15 and 14 pops up.**

23 Q. Yeah, I see that. Let's move on. I won't refer to
24 this.

25 Let's look at 16.

MICHELE NICOLE FRENCHKO

04:34 1 - - - - -
 2 (Plaintiff's Exhibit 16 was marked for purposes of
 3 identification.)
 4 - - - - -
 5 A. Yes.
 6 Q. Please take a moment to review these pages.
 7 A. Okay. Yes. Wait. There is one more.
 8 MS. MINIHAN: Can I note for the
 9 record this is marked Exhibit 15.
 10 MS. GROEDEL: Yes. Thank you.
 11 A. Yes, I don't see the Exhibit Number, but I believe
 12 my attorney.
 13 Q. The first page appears to be a series of texts or
 14 iMessages between the -- first of all, the Exhibit
 15 Number is right on the first page.
 16 A. I see it right on the front. Okay. I see it.
 17 Q. Is this between you and someone named Josh dated
 18 January 15th, 2021?
 19 A. Yes.
 20 Q. And is that you who said, "Oh ye of little faith"?

21 A. Yes.
 22 Q. And --
 23 A. That was Josh who said that, "You have to dump
 24 Ernie Cook, the fucking alcoholic, double-dipper,
 25 scumbag." That was Josh.

MICHELE NICOLE FRENCHKO

04:37 1 MS. GROEDEL: I'm going to move to
 2 strike that as nonresponsive.
 3 Q. Okay. I would appreciate it if you would --
 4 A. Oh, well, some of them are iMessages and some of
 5 them are text messages, so the color is different,
 6 to represent which things are from me and which
 7 things are from the other party.
 8 Q. Are the green and blue from you, by you?
 9 A. Yes.
 10 Q. And would you agree on -- that you called him in
 11 here a "psychopath"?

12 A. I'm sorry, wait a minute. For clarity, there is a
 13 portion of one with Dennis Malloy, who is now the
 14 new commissioner, and the blue part there, I
 15 believe, is from him, at least the first one on the
 16 left. Okay?
 17 Q. Are all the messages on the right yours?
 18 A. Yes. But there is one that is blue on the left,
 19 which is an image, which is from Commissioner
 20 Dennis Malloy.
 21 Q. I understand.
 22 A. I just got done saying that the green and blue are
 23 from me with the exception of that one on the left.
 24 Q. Okay. Thank you.
 25 A. Thank you.

MICHELE NICOLE FRENCHKO

04:39 1 Q. Are all the messages on the right yours?
 2 A. Yes.
 3 Q. Would you agree that you told Jeff to file -- that
 4 you guessed Richard Jackson was protecting Ernie?
 5 Ma'am?
 6 A. Yes.
 7 Q. Did you tell -- did you state that: "I guess
 8 Richard Jackson is protecting Ernie"?

9 A. I don't remember, but if it's on the right in the
 10 blue, then I did.
 11 Q. And you asked someone named Jeff to file
 12 complaints?
 13 A. I don't remember, but if it's on the right, I did.
 14 This dates back years ago, and I have had thousands
 15 of text messages since then.
 16 I don't dispute -- I can stipulate that
 17 everything on the right is a response from me.
 18 Q. Okay. You called him a psychopath to someone named
 19 Renee?
 20 A. If it's on the right and you are reading it, then,
 21 yes.
 22 Q. I want it on the record, ma'am.
 23 A. Okay. Can you tell me where then? So that's fine.
 24 Renee?
 25 Yes. Yes. Absolutely.

MICHELE NICOLE FRENCHKO

04:41 1 MS. MINAHAN: Can I ask where that is,
 2 please?
 3 A. I don't see it, but if it's on the right, I believe
 4 you.
 5 THE WITNESS: Oh, wait, I think I
 6 found it Kathleen.
 7 A. He works five 12's, he has no admin skills,
 8 psychopath, they are terrified with Ernie. It
 9 starts with that. It's on August 25th of 2020.
 10 Q. It's the seventh message.
 11 A. It's in green and it says RF at the top. August
 12 25, 2020, 1:45.
 13 MS. MINIHAN: It says RF at the top?
 14 I got it. Got it. Got it. Got it.
 15 Q. Who is Renee?
 16 A. Pardon me?
 17 Q. Who is Renee?
 18 A. Renee is -- her name is Renee Fox. I don't know --
 19 she's a woman. A mom. Someone who I know, and at
 20 the time as a friend, and she was also a journalist
 21 who had been to Ernie's house and where he swam up
 22 naked to her, and a lot of different things.
 23 Q. Ma'am, is she a resident? Is she a reporter? If
 24 you want to put it on the record, I understand.
 25 This is my deposition and it's my questions.

MICHELE NICOLE FRENCHKO

04:43 1 A. Okay.
 2 Q. Is she a community member?
 3 A. Yes. At the time she was.
 4 I feel like I'm helping you do your job.
 5 Is she a community member? No.
 6 Presently? No.
 7 Q. Was she a community member at this time?
 8 A. At this time? No. At this time, right now, no.
 9 Q. No, at the time of the message?
 10 A. Oh, okay. At the time of the messages, yes, she
 11 was.
 12 Q. And, please, turn to the November 7th message
 13 exchange.
 14 A. Between whom and whom?
 15 Q. You and Tom.
 16 A. Okay. November 7th. Okay.
 17 Q. Who was Tom at this time?
 18 A. Let me see. Wasn't he -- it's Tom Dempsey, chief
 19 in Bristol and a firefighter union president in
 20 Champion.
 21 Q. Okay.
 22 A. And that's on the text message itself. If you want
 23 to see that, it's right above.
 24 MS. GROEDEL: I might be done. I just
 25 need two minutes to confer with my client, and
 MICHELE NICOLE FRENCHKO

04:54 1 A. A lot of them were employees of 911 who were upset
 2 for being forced -- for having forced overtime,
 3 being refused leave, being refused vacation.
 4 Stating that Ernie Cook was hiding Mauro
 5 Cantalamessa's cousin, who was another
 6 commissioner, and he didn't have to clock in or
 7 out, and he wasn't accountable.
 8 There were complaints about him of how he
 9 would cause 911 tapes to vanish if you were a
 10 special person, like if you worked in the
 11 prosecutor's office.
 12 There were also concerns about him calling in
 13 to 911 himself while abusing his wife, and the
 14 people on the floor took the call and then the tape
 15 went missing.
 16 There were concerns about him just not being
 17 sensitive to the concerns of the employees relative
 18 to the building and its maintenance. There was a
 19 flood and people were working in bad conditions.
 20 There were employees that actually reached out
 21 to me to meet with me to express their concerns at
 22 a meeting, while I was campaigning.
 23 And other chiefs, like police chiefs -- or
 24 fire chief would reach out to me. I went to
 25 something in Brookfield, a firefighter association
 MICHELE NICOLE FRENCHKO

04:45 1 that's all I have. I'll take two minutes.
 2 MS. MINAHAN: Okay. We'll go off the
 3 record then.
 4 MS. GROEDEL: Yep.
 5 - - - - -
 6 (Whereupon, a recess was had.)
 7 - - - - -
 8 MS. GROEDEL: I have nothing further.
 9 MS. MINAHAN: I just have a couple
 10 real quick ones.
 11 DIRECT EXAMINATION OF MICHELE NICOLE FRENCHKO
 12 BY MS. MINAHAN:
 13 Q. Commissioner Frenchko, when you were campaigning
 14 for commissioner did people in the community ever
 15 express concerns to you about Mr. Cook?
 16 MS. GROEDEL: Objection. Leading your
 17 own witness.
 18 MS. MINIHAN: I'm not leading. That's
 19 not a leading question.
 20 MS. GROEDEL: It is, because it
 21 suggests yes or no.
 22 A VOICE: That's everything she did.
 23 Q. Go ahead and answer. Did they?
 24 A. Yes.
 25 Q. Can you tell me what some of those concerns were?
 MICHELE NICOLE FRENCHKO

04:56 1 meeting, they reached out to me. That one person,
 2 another police chief -- I'm sorry, a fire chief.
 3 The lady from the media mentioned going to a
 4 party where he was inappropriate with her. You
 5 know, there is a lot of overture in the community
 6 that he would just drink a lot and break laws, and
 7 it just was -- there were a lot of concerns, and
 8 then budgetary issues, too. So --
 9 Q. Did anyone in the community express concerns to you
 10 pertaining to the incidents, as you referred to
 11 them?
 12 MS. GROEDEL: Objection. Leading.
 13 Q. Go ahead and answer.
 14 A. Yes. They couldn't believe that the 911 director
 15 would flee the scene of a crime where there was a
 16 collision with a youth, a young person on a
 17 skateboard. And they would also say that he went
 18 home and started drinking and pulled a certain type
 19 of defense where when you get home, you start
 20 drinking so that you can't prove if you were
 21 drinking while you were driving.
 22 Just, you know, that was -- that was the main
 23 concern. How can you have a person as a 911
 24 director who can't even report his own issue, who
 25 fled the scene. You know, it's an embarrassment.
 MICHELE NICOLE FRENCHKO

04:57 1 **That was -- it was all over -- and everyone is**
 2 **presumed that it was because he was connected, you**
 3 **know, the club, the Good Ole Boys.**

4 **Like protecting the crimes of, you know,**
 5 **people in the prosecutor's office. I know some**
 6 **have gone through divorces, but there is no**
 7 **evidence of the 911 calls of the wives who were**
 8 **victims of abuse.**

9 **So I think that because of his connections and**
 10 **him protecting others in the community and covering**
 11 **things up, there were concerns about that, and just**
 12 **not being an upstanding person.**

13 Q. In your opinion, what were the reasons why Mr. Cook
 14 should not have been kept on as the 911 director
 15 after his convictions?

16 A. **It's everything. It's the community complaints.**
 17 **It's his really poor relations with the young lady**
 18 **from the media. It's the way he treated his**
 19 **employees by forcing them overtime. By the way he**
 20 **participated in that, that's favor broking {sic} --**
 21 **brokering. By giving a person who was a relative**
 22 **to the commissioner a job, without making them**
 23 **clock in or even show up.**

24 **It's everything that I have mentioned**
 25 **previously, in addition to just having the**

MICHELE NICOLE FRENCHKO

05:01 1 MS. MINAHAN: Oh, okay. Those are all
 2 the questions I have.

3 Caryn, do you have anything else?
 4 MS. GROEDEL: Yeah. I just wanted to
 5 ask her a couple of things including are any of
 6 the allegations of what these community members
 7 said documented? Did she take any notes? Did
 8 anybody submit any statements?

9 RECROSS-EXAMINATION OF MICHELE NICOLE FRENCHKO
 10 BY MS. GROEDEL:

11 Q. Is there any documentation, that's my question,
 12 other than what you saw?

13 A. **I don't know. People are afraid.**

14 Q. Did you ever document any of these conversations
 15 that you allegedly had?

16 A. **Yes.**

17 Q. How and where?

18 A. **When I was meeting with people on the campaign**
 19 **trail, or someone would call me, I would always**
 20 **keep a little scratch pad and write down what**
 21 **people told me while I was talking to them.**

22 Q. Did you produce those in this lawsuit?

23 A. **No.**

24 Q. Is there a reason why you haven't produce them?

25 A. **Because they don't exist. I write things so that I**
 MICHELE NICOLE FRENCHKO

04:59 1 **community not feel that they can trust their 911**
 2 **department.**

3 **It's shameful to have someone as the chief,**
 4 **the highest official in an emergency response**
 5 **system, the 911 center, who couldn't even report a**
 6 **hit-skip, a collision, and then went and did what I**
 7 **believe he did, which was drink as soon as he got**
 8 **home to try to hide the fact that he was already**
 9 **drunk when he was driving.**

10 MS. GROEDEL: Objection to this
 11 narrative and her speculation about what he
 12 did. It's hearsay. She has no firsthand
 13 knowledge. She's doing it to disparage him,
 14 like she did in her text messages to others,
 15 and iMessages, and I object to it. It's total
 16 hearsay.

17 A. **I believe that there was a Breathalyzer report, or**
 18 **something to the effect. Those are things that I**
 19 **actually did read. When his charges came in --**
 20 **because Mr. Cantalamessa came in and said, "Oh, my**
 21 **God, look at this," and he gave me the conviction**
 22 **or whatever it was, the plea agreement.**

23 MS. MINAHAN: Did we lose
 24 Miss Groedel?

25 MS. GROEDEL: No, I'm here.

MICHELE NICOLE FRENCHKO

05:02 1 **can remember them, and then I develop my talking**
 2 **points based on them while I was campaigning.**

3 **I don't preserve my note pads from when I was**
 4 **running for office.**

5 Q. Do you remember the people, the names?

6 A. **That one guy's name was Tom. I don't know everyone**
 7 **else's names.**

8 Q. Not everyone, anyone?

9 A. **I think there might have been like a dozen.**

10 **Someone's name was Gladys. One's name was Jeff,**
 11 **maybe.**

12 Q. Any last names?

13 A. **No.**

14 **And they were points of contact at the 911**
 15 **center and then gathered about a dozen employees to**
 16 **meet, and I generally don't remember their names.**

17 **I met with them at Perkins.**

18 Q. Ma'am, can you try to answer my question?

19 A. **I'm sorry.**

20 Q. No, you're going on and on and on. I'm willing to
 21 strike it as nonresponsive.

22 A. **I'm talking because I'm trying to recollect.**

23 Q. Don't keep talking. Just answer the question.
 24 It's yes, no, or "I don't know."

25 Do you know anybody's last name?

MICHELE NICOLE FRENCHKO

05:03 1 A. **No. I don't know the firefighters' last names or the employees' last names or the people in the communities last names, other than the ones that I told you.**

5 Q. Whose last names do you remember?

6 A. **I think I just read one. Dempsey might have been it. The ones I that gave you in production because those text messages, I just saw them, so I remember their names. Gladys, I think her last name was James. That's it.**

11 Q. Gladys James and a Mr. Dempsey?

12 A. **I think so.**

13 Q. And when people -- who within the department, the 911 department do you claim said all these terrible things about him?

16 A. **I don't remember. I don't remember their names. There were about a dozen people who met with me at Perkins.**

19 Q. If you don't remember, that's fine.

20 A. **I think the text message references it. Should I look and see if any names were in the text messages?**

23 Q. No thank you.

24 A. **Okay.**

25 Q. When you said he was refusing leave and demanding

MICHELE NICOLE FRENCHKO

05:07 1 Go ahead.

2 A. **No. That's incorrect. No, I never - that's an -- yeah, objection because that is not even -- you might want to look at the text messages and ask the right question.**

6 Q. Whatever the word was that you used, a lunatic, or -- you know what, I'll pull it up because it's so important to you to be correct.

9 A. **It is.**

10 Q. Yes, I know.

11 A. **Okay.**

12 Q. You asked someone -- you asked Jeff to please file complaints.

14 A. **The psychopath one?**

15 Q. No, I'm going to find it.

16 A. **Do you want me to help you?**

17 Q. No.

18 A. **Okay.**

19 Q. I'm asking a different question.

20 A. **Okay.**

21 Q. You asked Jeff to file complaints against Ernie; correct?

23 A. **If it's on the right-hand side I can stipulate to say that everything on the right-hand side I said, so if you're reading it and it says that, and I'm**

MICHELE NICOLE FRENCHKO

106

05:05 1 overtime, that was during COVID, wasn't it, ma'am?

2 A. **No. I mean, yes, but prior to that -- no, it wasn't, because I -- no.**

4 Q. Not during COVID?

5 A. **Yeah, because we had a meeting at Perkins and the restaurants were open, so I'm assuming it wasn't during COVID because the restaurants were shut down.**

9 Q. So you are assuming, you don't know one way or the other; is that correct?

11 A. **Let me see the date so I can tell you for certain.**

12 Q. No. I'm talking about specific allegations of him denying overtime and vacation time. Please just try to answer my question.

15 A. **Both during COVID and not during COVID.**

16 Q. Did any of the commissioners talk to him about any of these alleged numerous complaints about him?

18 A. **I don't know.**

19 Q. Did you?

20 A. **In the two weeks I was there he was on leave. So during my two weeks, I did not.**

22 Q. Do you believe that you defamed or disparaged Mr. Cook by calling him a lunatic?

24 A. **I don't believe I said that.**

MS. MINAHAN: Objection.

MICHELE NICOLE FRENCHKO

108

05:09 1 **not there with you, then I'll say yes, providing it's there.**

3 Q. And you told him to have a lot of reasons that he should go; right?

5 A. **I don't remember saying that, but okay, if it's there, yes.**

7 Q. And the word -- the description you used in your text message with a member of the public to describe Mr. Cook was psychopath; correct?

10 A. **The lady who worked as a reporter in Trumbull County, I did use that word to her to describe -- I did call him that, referenced him as that in a message, and I said from what I'm gathering.**

14 Q. Did Jeff file complaints as you asked him to do?

15 A. **I don't know. Everyone was afraid of Ernie.**

16 Q. Can you just answer my question, ma'am, please?

17 MR. GROEDEL: Move to strike as nonresponsive.

19 Q. To your knowledge, did anyone file complaints against him? Yes, no, or "I don't know"?

21 A. **I don't know.**

22 MS. GROEDEL: Nothing further.

23 MS. MINAHAN: One final question.

24 **REDIRECT EXAMINATION OF MICHELE NICOLE FRENCHKO**

25 **BY MS. MINAHAN:**

MICHELE NICOLE FRENCHKO

05:11 1 Q. Commissioner, did you ever have an actual physical
2 list of names of people you wanted to get rid of?
3 A. **I never maintained a physical list of people that I**
4 **want to get rid of, or terminate.**
5 MS. MINAHAN: Thank you.
6 RECORD-EXAMINATION OF MICHELE NICOLE FRENCHKO
7 BY MS. GROEDEL:
8 Q. Are you drinking wine as you are sitting here being
9 deposed?
10 MS. MINAHAN: Objection.
11 Q. Answer. You can answer the question.
12 A. **This is water, and it's a water goblet. A wine has**
13 **a long stem, silly goose.**
14 Q. Thank you for the illumination.
15 MS. MINAHAN: We're done, yes?
16 MS. GROEDEL: We are.
17 MS. MINAHAN: Commissioner, if and
18 when this transcript is typed up, you have the
19 opportunity to review it and make any changes
20 that you believe were things that were taken
21 down incorrectly, something of that nature,
22 misspellings, anything like that.
23 You can preserve that right, or you can
24 waive it.
25 THE WITNESS: I'm sorry. I'm sorry,
MICHELE NICOLE FRENCHKO

111
1
2
3 The State of Ohio,)
4) SS:
5 County of Cuyahoga.)
6
7 I, Kelli Rae Page, a Notary Public within and for
8 the State of Ohio, and authorized to administer oaths
9 and to take and certify depositions, do hereby certify
10 that the above-named witness, MICHELE NICOLE FRENCHKO,
11 was by me, before the giving of her deposition, first
12 duly sworn to testify the truth, the whole truth, and
13 nothing but the truth; that the deposition as above-set
14 forth was reduced to writing by me by means of
15 stenotypy, and was later transcribed into typewriting
16 under my direction; that this is a true record of the
17 testimony given by the witness, and was subscribed by
18 said witness remotely by agreement of the parties; that
19 said deposition was taken at the aforementioned time,
20 date and place and was completed without adjournment,
21 pursuant to notice or stipulations of counsel; that I am
22 not a relative or employee or attorney of any of the
23 parties, or a relative or employee of such attorney or
24 financially interested in this action. I am not, nor is
25 the court reporting firm with which I am affiliated,
under a contract as defined in Civil Rule 28 (D).
17
18
19 IN WITNESS WHEREOF, I have hereunto set my hand
20 and seal of office, at Cleveland, Ohio, this 23rd day of
April, A.D. 2023.
21
22
23 **Kelli Rae Page**
24
25 Kelli Rae Page, Notary Public, State of Ohio
My commission expires October 30, 2025.
MICHELE NICOLE FRENCHKO

110
05:12 1 one moment.
2 MS. MINAHAN: Yes. Are you back,
3 Commissioner? You're muted. You are still
4 muted. Can you unmute your microphone?
5 Well, how about we do this, how about we
6 preserve her right to read and we can all go
7 about our evening.
8 MS. GROEDEL: Sounds good.
9 - - - - -
10 (Whereupon, the deposition was concluded at
11 5:14 p.m.)
12 - - - - -
13 - - - - -
14 (Signature not waived.)
15 - - - - -
16
17
18
19
20
21
22
23
24
25
MICHELE NICOLE FRENCHKO

112
1 DEPOSITION ERRATA SHEET
2 RE: UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
CASE NO. 4:22-CV-00077-BYP, JUDGE BENITA PEARSON
4
5 Deponent: MICHELE NICOLE FRENCHKO
5 Deposition Date: March 16, 2023
6 To the Reporter:
I have read the entire transcript of my Deposition taken
7 in the above-captioned matter or the same has been read
to me. I request that the following changes be entered
8 upon the record for the reasons indicated. I have
signed my name to the Errata Sheet and authorize you to
9 attach said Errata Sheet to the original transcript.
10 page line correction
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 NO CHANGES
24 _____
25 _____
Michele Nicole Frenchko Date
MICHELE NICOLE FRENCHKO

	2.3.6 [1] - 60:2 20 [2] - 6:6, 15:3 2000 [3] - 7:19, 9:6, 19:13 2000s [2] - 10:18, 19:13 2003 [2] - 8:5, 9:6 2005 [3] - 6:14, 16:16, 16:24 2020 [11] - 40:23, 41:5, 44:6, 44:14, 45:3, 45:9, 45:11, 45:18, 45:22, 96:9, 96:12 2021 [9] - 17:7, 26:3, 48:22, 62:13, 63:11, 64:15, 81:16, 83:4, 93:18 2022 [2] - 26:3, 59:4 2023 [3] - 1:13, 111:20, 112:5 2025 [1] - 111:25 203(K [1] - 12:18 208 [1] - 2:5 216.316.3258 [1] - 1:19 216.831.0042 [1] - 2:11 23rd [1] - 111:19 25 [3] - 58:14, 60:1, 96:12 25th [1] - 96:9 261 [1] - 86:25 264 [3] - 41:23, 42:1, 42:7 27 [2] - 49:2, 49:12 28 [1] - 111:15 28601 [1] - 2:10 29th [2] - 40:23, 41:5	4:22-CV-00077-BYP [2] - 1:5, 112:3 5 5 [1] - 41:12 58 [1] - 3:13 5:14 [1] - 110:12 6 6 [4] - 3:11, 16:24, 41:15, 41:17 600 [1] - 2:10 62 [1] - 3:14 64 [2] - 84:9, 84:10 68 [1] - 3:14 6th [1] - 44:20 7 7 [4] - 3:12, 43:24, 44:2, 44:6 7th [8] - 44:14, 44:20, 45:2, 45:9, 45:11, 45:18, 97:12, 97:16 8 8 [3] - 3:12, 45:20, 45:24 81 [1] - 3:15 83 [1] - 3:15 87 [1] - 3:16 88 [2] - 3:16, 3:17 9 9 [5] - 3:14, 68:21, 68:23, 70:13, 71:1 9/6/74 [1] - 5:10 911 [22] - 32:12, 39:5, 39:9, 39:17, 56:20, 57:1, 57:13, 65:16, 65:22, 66:23, 85:8, 99:1, 99:9, 99:13, 100:14, 100:23, 101:7, 101:14, 102:1, 102:5, 104:14, 105:14 92 [1] - 3:17 93 [1] - 3:18 959.131(D)(2) [1] - 90:3 98 [1] - 3:4 A A.D [1] - 111:20 Abilities [1] - 72:17 ability [4] - 5:6, 72:19, 72:22, 92:9 able [7] - 15:3, 38:24,	72:15, 72:24, 73:20, 79:7, 82:1 above-captioned [1] - 112:7 above-named [1] - 111:7 above-set [1] - 111:9 absence [1] - 22:20 absolutely [2] - 61:10, 95:25 abuse [2] - 69:11, 101:8 abusing [1] - 99:13 acceptable [1] - 8:7 accepted [1] - 60:8 accepting [1] - 25:21 accident [9] - 56:25, 85:2, 85:6, 85:7, 85:9, 86:5, 86:13, 86:18, 86:20 accidentally [1] - 70:5 accidents [5] - 58:2, 59:20, 60:7, 86:10 accomplish [1] - 27:15 accordance [2] - 52:8, 71:5 according [5] - 51:23, 52:5, 52:12, 53:9, 55:13 account [1] - 38:21 accountability [2] - 38:23, 39:10 accountable [1] - 99:7 accurate [1] - 43:11 accurately [2] - 42:10, 82:2 accusations [4] - 74:25, 78:8, 78:9, 82:18 accuse [2] - 76:8, 76:12 accused [5] - 75:10, 75:18, 75:21, 75:23, 76:6 accuses [2] - 82:17, 83:8 acquired [1] - 35:25 act [1] - 24:23 Action [2] - 49:4, 49:23 action [10] - 15:23, 43:9, 51:2, 51:4, 51:6, 52:19, 57:19, 58:2, 59:22, 111:14 action/discipline [1] - 51:15 Actions [1] - 60:3 actions [2] - 80:9, 89:22 active [1] - 23:5 activity [2] - 60:20, 61:4 actual [1] - 109:2 add [1] - 18:17 addition [1] - 101:25 address [4] - 24:22,
2	2 [5] - 1:18, 50:10, 50:12, 72:10, 83:1 2.2 [1] - 49:19 2.3.1 [1] - 50:12 2.3.11 [1] - 49:5	MICHELE NICOLE FRENCHKO	

33:15, 34:1, 34:5	ahead [13] - 12:2, 20:4, 30:5, 30:8, 35:16, 44:8, 52:2, 79:14, 80:13, 81:21, 98:23, 100:13, 107:1	52:20	96:9, 96:11
addressed [1] - 43:3	applies [3] - 60:13, 60:19, 61:15	authority [7] - 32:8, 49:24, 66:11, 66:17, 68:1, 69:22, 91:6	
addressing [1] - 71:7	apply [3] - 31:19, 60:13, 60:23	authorize [1] - 112:8	
adjournment [1] - 111:12	appointing [7] - 32:8, 49:24, 66:11, 66:16, 68:1, 69:22, 91:6	authorized [1] - 111:6	
admin [1] - 96:7	Appraisal [4] - 10:9, 10:16, 11:15, 11:18	available [3] - 52:14, 56:21, 71:15	
administer [2] - 50:11, 111:6	appraising [2] - 10:11	AVENUE [1] - 1:18	
administration [1] - 9:10	appreciate [9] - 19:22, 32:4, 32:23, 33:23, 47:19, 59:18, 77:21, 80:6, 94:3	avoid [1] - 38:22	
adopt [1] - 25:23	appropriate [2] - 24:20, 43:9	aware [9] - 59:10, 73:21, 74:15, 86:8, 86:20, 86:22, 91:3, 91:9	
advance [2] - 29:15, 39:24	approval [1] - 30:6		
adverse [2] - 78:13, 79:11	approved [1] - 25:24		
advertise [1] - 31:5	April [1] - 111:20		
advertised [1] - 31:17	argue [2] - 57:5, 80:3		
advertisements [1] - 31:9	arguing [1] - 54:8		
advertising [1] - 33:1	argumentative [1] - 90:13		
advice [4] - 25:21, 25:22, 27:19, 55:13	Army [6] - 10:15, 10:19, 10:24, 11:8, 11:11, 11:14		
advisable [1] - 54:14	ARPA [2] - 23:9, 23:11		
advise [1] - 55:8	array [2] - 52:5, 52:13		
advised [3] - 49:6, 50:5, 55:6	articles [2] - 76:22, 78:13		
advisory [9] - 22:12, 22:15, 25:6, 25:7, 25:8, 25:10, 26:14, 27:8, 27:11	assistant [6] - 67:18, 67:19, 67:24, 69:8		
advocate [1] - 23:24	associated [4] - 22:4, 67:6, 67:7, 68:8		
affiliated [1] - 111:15	Associates [1] - 2:4		
afforded [5] - 48:3, 64:17, 64:20, 65:4, 67:1	Association [1] - 62:10		
aforementioned [1] - 111:12	association [1] - 99:25		
afoul [1] - 76:3	assume [1] - 5:2		
afraid [2] - 103:13, 108:15	assumed [3] - 81:19, 86:2, 88:8		
age [1] - 4:1	assumes [1] - 36:25		
agencies [2] - 72:16, 73:1	assuming [3] - 62:24, 106:6, 106:9		
Agency [2] - 32:16, 63:10	ATSCOPE [1] - 7:10		
agenda [5] - 21:24, 21:25, 22:18, 24:9, 25:20	attach [1] - 112:9		
ago [6] - 15:2, 15:3, 19:14, 83:24, 91:13, 95:14	attend [8] - 9:1, 10:16, 22:6, 23:23, 25:7, 62:8, 63:2		
agree [14] - 41:4, 44:5, 55:19, 56:7, 61:18, 70:16, 81:14, 82:16, 83:3, 86:16, 86:23, 87:4, 94:10, 95:3	attendance [1] - 2:2		
agreement [2] - 102:22, 111:11	attended [1] - 80:17		
agreements [2] - 22:1, 31:8	attention [1] - 53:1		
	attorney [9] - 18:7, 18:12, 64:14, 66:14, 74:14, 84:15, 93:12, 111:13, 111:14		
	attorney/client [4] - 55:1, 55:17, 56:4, 64:7		
	auditor [1] - 38:19		
	August [4] - 45:22, 83:4, 84:20, 84:23, 85:22		

blue [5] - 94:8, 94:14, 94:18, 94:22, 95:10
blurry [5] - 89:12, 89:18, 89:23, 90:16
BOARD [1] - 1:6
Board [3] - 17:9, 22:11, 37:12
board [31] - 24:21, 25:21, 27:13, 29:14, 30:6, 30:10, 32:7, 32:9, 32:24, 33:8, 48:2, 50:17, 50:19, 53:4, 53:18, 53:20, 54:12, 62:7, 63:8, 64:14, 66:9, 66:16, 67:25, 70:6, 70:22, 73:8, 73:18, 74:15, 74:17, 91:6
board's [1] - 30:9
boards [4] - 22:4, 22:13, 23:17, 24:16
Boca [1] - 2:6
Boulevard [1] - 2:10
bounced [1] - 39:6
bound [1] - 48:10
Boy [1] - 40:6
Boys [4] - 34:21, 35:20, 35:21, 101:3
boys [3] - 35:12, 35:13, 35:19
break [5] - 33:12, 33:13, 68:13, 68:15, 100:6
breakdown [1] - 72:5
Breathalyzer [1] - 102:17
briefs [2] - 21:15, 21:17
bright [1] - 71:21
Bristol [1] - 97:19
brokering [1] - 101:21
broking [1] - 101:20
Brookfield [1] - 99:25
brought [1] - 52:25
budget [1] - 23:21
budgetary [1] - 100:8
building [2] - 39:11, 99:18
bullying [1] - 83:9
bunch [1] - 72:7
Bush [3] - 29:25, 38:10, 87:4
business [10] - 7:11, 20:12, 20:13, 20:15, 22:7, 22:25, 23:3, 23:17, 24:10, 24:17
BY [10] - 3:3, 3:4, 3:5, 3:6, 3:7, 4:7, 98:12, 103:10, 109:1, 109:8

C

calendar [2] - 62:13, 63:11
campaign [1] - 103:18
campaigning [4] - 36:23, 98:13, 99:22, 104:2
candidate [1] - 30:11
candidates [1] - 29:10
cannot [1] - 91:2
Cantalamessa [2] - 28:6, 102:20
Cantalamessa's [1] - 99:5
capacities [1] - 23:8
capacity [1] - 24:23
captioned [1] - 112:7
caring [1] - 69:12
carries [1] - 71:4
Caryn [9] - 2:4, 2:4, 28:21, 40:18, 49:11, 55:18, 66:7, 72:1, 103:3
case [15] - 17:8, 17:12, 17:15, 17:22, 18:5, 19:9, 41:22, 42:5, 61:24, 68:7, 84:25, 85:14, 85:23, 91:4, 91:25
CASE [2] - 1:5, 112:3
cases [2] - 19:7, 19:10
categories [1] - 61:11
caused [1] - 80:9
cell [2] - 18:21, 18:22
center [4] - 39:9, 57:13, 102:5, 104:15
certain [7] - 9:24, 16:6, 16:17, 16:19, 68:9, 100:18, 106:11
certainly [2] - 15:16, 56:2
certified [1] - 4:5
certify [2] - 11:7
cetera [3] - 31:2, 50:3
cgroedel@groedel [1] - 2:7
cgroedel@groedel-law.com [1] - 2:7
Chagrin [1] - 2:10
Champion [1] - 97:20
change [2] - 22:1, 65:11
CHANGES [1] - 112:23
changes [3] - 24:8, 109:20, 112:7
charges [5] - 89:5, 89:8, 89:22, 102:19
charging [1] - 86:18
Charles [7] - 26:18, 28:17, 29:21, 30:16, 65:25, 67:9, 76:20
chief [5] - 97:18, 99:24, 100:2, 102:3
chiefs [2] - 99:23
Child [1] - 32:15
choose [1] - 53:20
chose [1] - 53:18
Christina [3] - 33:21, 34:1, 73:16
Christine [5] - 74:5, 74:7, 79:4, 81:15, 83:4
chronological [1] - 15:7
Chuck [2] - 29:12, 76:16
circumstances [1] - 47:15
citizen [1] - 24:22
City [3] - 13:6, 13:23, 14:1
Civil [2] - 4:4, 111:15
claim [2] - 60:22, 105:14
clarify [4] - 16:4, 58:21, 61:24, 65:8
clarifying [1] - 8:3
clarity [1] - 94:12
classes [3] - 62:12, 63:3, 80:17
classified [1] - 61:4
clean [1] - 44:10
clear [8] - 26:6, 49:25, 50:24, 77:10, 77:21, 79:15, 89:23, 92:1
Cleveland [2] - 2:11, 111:19
clicked [1] - 92:22
client [2] - 81:18, 97:25
clients [1] - 21:16
clock [6] - 38:20, 39:10, 56:23, 61:16, 99:6, 101:23
close [1] - 68:11
closely [3] - 36:11, 36:22, 57:12
Club [2] - 35:20, 35:21
club [2] - 36:2, 101:3
Co [1] - 2:4
code [6] - 23:16, 53:10, 53:11, 53:14, 61:3, 90:3
coincide [1] - 31:13
collective [1] - 31:7
College [2] - 10:9, 10:10
college [3] - 11:10, 11:12, 11:14
collision [2] - 100:16, 102:6
color [1] - 94:5
combat [1] - 10:21
coming [1] - 37:3
commercial [1] - 10:11

commission [5] - 13:7, 14:11, 15:22, 22:9, 111:25

commissioner [46] - 12:5, 12:20, 14:19, 15:21, 15:24, 16:2, 16:5, 16:9, 17:1, 17:5, 17:6, 19:21, 20:7, 21:1, 21:5, 21:9, 21:12, 21:21, 28:7, 30:11, 30:24, 35:9, 36:3, 36:7, 36:14, 36:19, 39:14, 41:6, 46:12, 47:6, 47:9, 50:22, 55:10, 63:21, 65:17, 66:6, 73:17, 76:24, 77:7, 78:1, 94:14, 98:14, 99:6, 101:22, 109:2, 109:18

Commissioner [13] - 15:7, 18:19, 34:4, 73:24, 77:10, 80:18, 81:8, 81:21, 83:6, 90:21, 94:19, 98:13, 110:4

commissioner's [1] - 32:17

COMMISSIONERS [1] - 1:7

commissioners [39] - 22:3, 22:17, 24:18, 27:25, 28:4, 29:15, 32:8, 32:24, 46:9, 46:17, 46:21, 47:1, 47:18, 48:7, 50:17, 50:19, 53:4, 53:18, 53:20, 62:3, 64:14, 65:19, 66:9, 67:25, 69:23, 70:7, 73:9, 73:19, 74:16, 74:17, 74:19, 77:2, 77:4, 78:1, 79:12, 79:17, 80:11, 91:7, 106:16

Commissioners [2] - 17:10, 37:13

commissioners' [1] - 63:9

commissions [1] - 66:16

committed [3] - 56:12, 56:17, 57:10

Committee [1] - 63:11

committees [1] - 22:14

common [1] - 60:8

communications [2] - 17:17, 55:5

communities [1] - 105:3

community [11] - 86:19, 97:2, 97:5, 97:7, 98:14, 100:5, 100:9,

101:10, 101:16, 102:1, 103:6
companion [1] - 90:1
complained [2] - 39:11, 39:16
complaint [3] - 17:12, 82:16, 83:5
Complaint [1] - 81:15
complaints [12] - 22:19, 23:1, 24:22, 71:7, 95:12, 99:8, 101:16, 106:17, 107:13, 107:21, 108:14, 108:19
completed [1] - 111:12
completely [1] - 80:14
compliance [3] - 24:13, 24:14, 31:1
complying [2] - 24:11, 25:16
compound [4] - 27:4, 75:3, 78:7, 78:24
concern [1] - 100:23
concerning [2] - 87:1, 90:1
concerns [10] - 23:1, 98:15, 98:25, 99:12, 99:16, 99:17, 99:21, 100:7, 100:9, 101:11
concluded [1] - 110:11
conditions [2] - 33:3, 99:19
conduct [4] - 49:7, 50:6, 51:20, 60:8
conducted [1] - 41:9
confer [1] - 97:25
conference [1] - 1:9
conferences [2] - 62:9, 63:2
conferencing [1] - 2:3
confused [2] - 18:6, 18:7
confusing [1] - 77:20
confusion [1] - 18:18
connected [3] - 29:16, 35:25, 101:2
connection [10] - 2:2, 17:22, 41:9, 56:13, 57:10, 65:2, 68:4, 69:8, 89:3, 92:10
connections [2] - 36:1, 101:9
consider [1] - 40:6
consistently [2] - 51:16, 52:20
consult [1] - 23:18
Consultants [2] - 13:7, 13:15
consulting [4] - 12:16, 12:17, 12:18, 64:15

consumed [1] - 5:5
contact [1] - 104:14
contain [1] - 47:12
contained [1] - 18:21
contest [4] - 56:8, 89:6, 89:11, 89:25
contract [4] - 24:13, 67:22, 74:13, 111:15
contracts [2] - 22:1, 36:1
contrary [1] - 61:2
control [3] - 32:10, 32:24, 46:8
conversations [3] - 29:3, 55:23, 103:14
convicted [12] - 6:20, 65:3, 65:9, 68:3, 69:7, 85:18, 90:5, 90:6, 91:7, 91:18, 91:21, 92:6
conviction [2] - 89:3, 102:21
convictions [1] - 101:15
Cook [30] - 2:16, 17:9, 36:17, 37:6, 38:13, 39:4, 45:14, 46:3, 50:15, 53:3, 56:7, 59:12, 62:7, 63:1, 63:13, 64:16, 64:19, 65:9, 70:24, 72:12, 73:9, 74:9, 74:10, 84:23, 93:24, 98:15, 99:4, 101:13, 106:23, 108:9
COOK [1] - 1:3
cook's [1] - 62:2
Cook's [1] - 70:16
cooperation [1] - 72:16
copy [5] - 46:13, 83:4, 84:1, 84:13, 91:16
cordial [1] - 90:14
correct [69] - 8:15, 17:10, 17:22, 28:8, 28:9, 34:13, 34:22, 35:7, 36:4, 38:14, 38:15, 41:6, 41:10, 45:3, 45:15, 45:18, 50:11, 51:25, 52:7, 52:16, 54:17, 55:7, 56:8, 56:9, 61:20, 62:10, 62:13, 62:16, 62:25, 63:11, 63:14, 64:20, 64:21, 65:5, 65:20, 67:11, 68:5, 69:9, 69:10, 69:13, 69:16, 69:17, 70:1, 70:18, 72:11, 75:2, 75:8, 76:24, 76:25, 81:16, 82:18, 82:22, 83:6, 83:9, 83:14,

85:24, 86:6, 87:2, 87:7, 87:10, 87:13, 87:14, 87:16, 87:17, 92:11, 106:10, 107:8, 107:22, 108:9
corrected [1] - 75:17
correcting [1] - 42:14
correction [1] - 112:10
corrective [7] - 49:25, 51:1, 51:2, 51:4, 51:6, 51:14, 52:19
Corrective/
Disciplinary [2] - 49:4, 49:22
correctly [5] - 23:20, 51:21, 51:22, 52:18, 66:7
correspondences [1] - 21:18
cough [1] - 33:12
council [2] - 22:7, 22:12
counsel [10] - 1:14, 23:6, 23:8, 24:22, 42:5, 52:6, 55:5, 55:6, 55:12, 111:13
counseling [3] - 51:17, 51:24, 52:13
COUNTY [1] - 1:6
county [31] - 11:24, 22:6, 22:24, 23:3, 23:7, 23:23, 24:8, 24:17, 24:18, 25:23, 31:18, 31:24, 32:6, 37:5, 39:18, 44:9, 51:23, 52:14, 52:21, 57:16, 60:5, 60:15, 61:6, 62:3, 78:2, 78:10, 78:14, 80:10, 87:13, 87:16
County [27] - 7:7, 7:20, 13:1, 17:9, 22:5, 23:25, 24:3, 29:8, 30:21, 31:5, 36:17, 37:12, 38:12, 39:15, 47:2, 47:3, 49:8, 50:6, 51:16, 63:10, 67:11, 75:10, 77:2, 87:7, 92:11, 108:11, 111:4
county's [2] - 40:1, 61:10
County's [1] - 48:20
couple [2] - 98:9, 103:5
course [1] - 66:3
court [6] - 4:15, 69:5, 84:24, 84:25, 85:23, 111:15
COURT [2] - 1:1, 112:2
cousin [1] - 99:5
coverage [1] - 71:12
covering [1] - 101:10

COVID [5] - 106:1, 106:4, 106:7, 106:15
crafted [2] - 55:12
created [2] - 39:5, 39:8
crime [4] - 69:7, 91:7, 91:19, 100:15
crimes [3] - 6:20, 68:3, 101:4
criteria [1] - 34:12
critical [1] - 72:19
CROSS [2] - 3:3, 4:6
cross [2] - 1:10, 4:3
CROSS-
EXAMINATION [2] - 3:3, 4:6
cross-examination [2] - 1:10, 4:3
CT [3] - 13:6, 13:15, 14:12
current [3] - 11:23, 12:13, 67:13
Curt [1] - 64:12
Cuyahoga [1] - 111:4

D

D [1] - 111:15
daily [1] - 83:9
Dale [2] - 65:14, 66:17
Date [2] - 112:5, 112:25
date [8] - 5:9, 14:25, 26:8, 91:11, 91:12, 91:13, 106:11, 111:12
dated [5] - 40:23, 41:4, 45:21, 81:16, 93:17
dates [8] - 6:16, 14:20, 14:21, 15:8, 15:17, 26:5, 58:23, 95:14
Dawn [2] - 74:4, 74:6
days [1] - 91:13
deal [1] - 72:20
dealt [1] - 22:21
decency [1] - 60:9
decide [1] - 15:20
decided [1] - 28:2
decisions [1] - 23:2
deemed [1] - 57:2
defamed [1] - 106:22
Defendant [2] - 1:8, 2:13
defender [1] - 74:12
defending [1] - 23:7
defense [1] - 100:19
define [5] - 17:2, 51:4, 79:15, 79:19, 82:6
defined [2] - 51:7, 111:15
definitely [1] - 15:15
definitive [1] - 37:1
degrading [1] - 83:13

degree [6] - 9:7, 9:9, 9:10, 9:15, 9:16, 10:7	differs [1] - 48:24	DiVieste [3] - 37:18, 39:3, 39:4	duty [2] - 60:14, 61:15
E			
deliverable [1] - 25:13	difficulties [1] - 39:7	DIVISION [2] - 1:2, 112:3	e-mail [4] - 18:23, 33:15, 34:1, 34:5
deliverables [1] - 25:15	dipper [1] - 93:24	divorces [1] - 101:6	e-mailed [1] - 40:12
demanding [1] - 105:25	DIRECT [2] - 3:4, 98:11	docket [1] - 69:6	e-mails [5] - 18:19, 18:20, 24:6, 24:7, 83:13
Dempsey [3] - 97:18, 105:6, 105:11	direction [3] - 7:16, 24:16, 111:10	document [15] - 18:14, 58:10, 83:25, 84:2, 84:12, 86:16, 86:23, 87:23, 88:6, 88:11, 88:18, 89:24, 90:16, 91:1, 103:14	earn [3] - 20:6, 20:9, 20:25
Dennis [3] - 28:11, 94:13, 94:20	directly [5] - 34:2, 57:12, 65:19, 66:8, 69:21	documentation [3] - 21:25, 73:8, 103:11	easier [1] - 78:25
DeNunzio [1] - 74:4	director [21] - 22:20, 25:13, 25:15, 26:12, 26:19, 27:7, 29:2, 30:14, 34:12, 34:17, 38:1, 40:1, 40:4, 42:17, 56:20, 66:23, 71:15, 85:8, 100:14, 100:24, 101:14	documented [1] - 103:7	EASTERN [2] - 1:2, 112:3
denying [1] - 106:13	Disciplinary [1] - 60:2	documents [5] - 17:14, 17:18, 17:22, 17:24, 18:10	education [9] - 9:11, 9:13, 10:3, 10:5, 10:14, 10:19, 11:9, 11:20, 11:21
department [15] - 22:23, 26:16, 43:5, 44:7, 44:24, 45:5, 45:12, 62:23, 63:5, 63:6, 69:19, 91:24, 102:2, 105:13, 105:14	disciplinary [5] - 34:19, 51:24, 52:13, 61:19, 62:4	dog [6] - 32:16, 67:18, 67:19, 67:24, 69:8	EEOC [7] - 25:17, 31:1, 31:12, 41:8, 42:6, 42:11, 84:22
departments [4] - 32:7, 32:19, 32:25, 39:6	discipline [16] - 33:2, 47:13, 48:3, 49:25, 50:11, 50:19, 50:23, 51:13, 51:17, 51:19, 52:7, 52:19, 64:17, 64:20, 65:4, 67:1	done [9] - 4:21, 61:23, 61:24, 72:13, 73:4, 82:22, 94:22, 97:24, 109:16	EEOC's [1] - 41:21
Deponent [1] - 112:4	disciplined [6] - 42:20, 43:14, 46:6, 51:9, 51:10, 87:12	doorway [1] - 38:23	effect [6] - 57:16, 57:20, 58:5, 59:12, 62:5, 102:18
deposed [5] - 4:5, 19:3, 19:12, 19:18, 109:10	disciplining [1] - 71:6	double [1] - 93:24	efficiency [1] - 50:1
deposition [6] - 79:22, 96:25, 110:11, 111:8, 111:9, 111:12	disclose [1] - 55:5	double-dipper [1] - 93:24	effort [1] - 27:14
DEPOSITION [1] - 112:1	discovery [3] - 18:8, 21:17, 21:18	doubt [1] - 18:7	efforts [3] - 31:4, 31:14, 31:16
Deposition [3] - 1:9, 112:5, 112:6	discretion [3] - 61:1, 61:18, 62:3	down [6] - 4:16, 38:24, 89:9, 103:20, 106:8, 109:22	either [7] - 19:9, 55:12, 56:12, 56:16, 57:9, 69:11, 92:21
depositions [2] - 78:21, 111:7	discrimination [2] - 46:10, 54:3	dozen [3] - 104:9, 104:15, 105:17	elected [9] - 12:2, 12:4, 15:25, 16:1, 24:15, 38:22, 39:15, 46:12, 64:24
depravation [1] - 90:2	discuss [1] - 53:22	drafted [2] - 22:18, 55:7	embarrassment [2] - 85:19, 100:25
deprivation [1] - 92:6	discussed [2] - 54:12, 54:15	drainage [1] - 22:8	emergencies [1] - 56:21
depriving [3] - 91:8, 91:19, 92:7	discussions [1] - 64:6	drama [2] - 78:13, 80:10	Emergency [2] - 62:10, 63:10
deputy [2] - 67:19, 67:24	dishonest [4] - 57:19, 58:1, 59:21, 61:14	drink [2] - 100:6, 102:7	emergency [2] - 22:23, 102:4
describe [3] - 21:11, 108:9, 108:11	dishonesty [4] - 57:19, 58:1, 59:21, 61:14	drinking [5] - 57:4, 100:18, 100:20, 100:21, 109:9	emergent [1] - 31:19
description [13] - 27:6, 27:12, 34:13, 34:16, 37:14, 63:13, 63:18, 64:1, 70:9, 70:18, 71:18, 73:11, 108:7	disparage [1] - 102:13	Drive [1] - 2:5	employed [6] - 12:14, 12:19, 50:15, 59:13, 84:24, 85:14
descriptions [3] - 26:20, 26:21, 26:22	disparaged [1] - 106:22	driving [3] - 56:25, 100:21, 102:9	Employee [1] - 81:14
determined [2] - 49:8, 50:6	dispatchers [1] - 39:17	drunk [1] - 102:9	employee [19] - 24:21, 37:12, 37:18, 52:24, 53:9, 54:3, 65:16, 65:17, 65:22, 67:11, 67:21, 70:3, 75:8, 75:11, 76:8, 76:12, 91:5, 111:13, 111:14
develop [1] - 104:1	disposition [3] - 68:7, 91:12, 91:24	due [6] - 31:7, 39:6, 42:18, 42:23, 43:9, 85:2	employee's [3] - 51:19, 53:1
DeVengencie [5] - 29:25, 38:3, 38:9, 38:10, 87:4	dispute [1] - 95:16	duly [2] - 4:4, 111:8	employees [30] - 22:21, 32:9, 36:4, 36:8,
DeVengencie-Bush [3] - 29:25, 38:10, 87:4	disregard [1] - 60:5	dump [1] - 93:23	
DEVIESTE [1] - 37:24	distinction [1] - 48:12	during [10] - 55:24, 62:13, 87:6, 87:10, 106:1, 106:4, 106:7, 106:15, 106:21	
difference [1] - 58:22	district [1] - 22:8	duties [14] - 13:20, 21:11, 23:17, 34:14, 56:13, 56:19, 57:11, 60:15, 64:2, 68:4, 69:8, 70:4, 72:24, 92:10	
different [13] - 5:17, 7:16, 25:9, 34:20, 61:21, 66:13, 69:18, 69:19, 76:11, 80:14, 94:5, 96:22, 107:19	DISTRICT [4] - 1:1, 1:1, 112:2, 112:2	MICHELE NICOLE FRENCHKO	

36:13, 38:12, 38:20,
 39:11, 39:17, 43:21,
 46:8, 46:21, 46:25,
 47:2, 48:2, 48:11,
 49:6, 50:4, 52:7,
 52:15, 60:13, 61:15,
 71:7, 77:6, 78:9, 99:1,
 99:17, 99:20, 101:19,
 104:15
employees' [1] - 105:2
employer/supervisor
 [1] - 50:16
Employer/Supervisor'
 s [1] - 50:10
employment [13] - 6:22,
 6:24, 13:1, 14:8, 14:9,
 19:20, 19:24, 20:10,
 30:17, 33:4, 38:18,
 60:17, 60:18
end [3] - 30:15, 68:12,
 89:2
ended [2] - 29:9, 91:20
enforced [1] - 61:19
Enforcement [1] - 32:15
Engineering [1] - 32:16
ensure [2] - 25:16,
 31:14
ensuring [1] - 24:10
entered [1] - 112:7
entire [6] - 20:23, 52:8,
 84:6, 86:22, 112:6
entitled [2] - 54:4, 55:20
equates [1] - 10:22
equating [1] - 12:3
equity [1] - 25:17
ERNEST [1] - 1:3
Ernest [14] - 2:16, 17:9,
 36:17, 37:6, 38:13,
 39:4, 45:2, 45:14,
 46:3, 46:5, 50:15,
 53:3, 63:1, 84:23
Ernie [10] - 74:9, 74:10,
 87:25, 93:24, 95:4,
 95:8, 96:8, 99:4,
 107:21, 108:15
Ernie's [1] - 96:21
ERRATA [1] - 112:1
Errata [2] - 112:8, 112:9
especially [1] - 85:7
Esq [2] - 2:4, 2:9
essential [1] - 72:24
establishment [1] -
 26:13
Estate [1] - 10:10
estate [1] - 12:16
et [3] - 31:2, 50:3
evaluations [3] - 31:22,
 32:2, 32:5
evening [1] - 110:8
events [2] - 23:23, 89:22

F

F-R-E-N-C-H-K-O [1] -
 4:11
facilitate [1] - 72:15
fact [2] - 61:9, 102:8
fair [2] - 70:23, 78:17
fairness [1] - 50:1
faith [1] - 93:20
Falls [1] - 2:5
false [3] - 59:19, 82:17,
 86:21
falsifying [3] - 57:22,
 58:2, 59:20
familiarized [1] - 47:3
family [1] - 29:16
Family [2] - 32:15, 39:22
far [3] - 7:17, 64:21,
 71:13
fashion [1] - 37:4
favor [2] - 36:1, 101:20
favoritism [1] - 37:16
federal [1] - 24:11
feed [1] - 69:14
few [4] - 13:13, 24:25,
 83:24, 84:20
fiduciary [1] - 53:9
fielded [1] - 22:19
file [7] - 41:21, 95:3,
 95:11, 107:12, 107:21,
 108:14, 108:19
filed [2] - 73:18, 81:15
filled [1] - 29:7
final [1] - 108:23
finances [1] - 23:21
financially [1] - 111:14
fine [5] - 34:3, 82:3,
 89:21, 95:23, 105:19
finish [2] - 4:20, 79:22
finished [1] - 44:8
fire [2] - 99:24, 100:2
-fired [1] - 85:17
firefighter [2] - 97:19,
 99:25
firefighters' [1] - 105:1
firm [1] - 111:15
first [24] - 4:4, 4:12, 7:8,
 9:18, 9:20, 9:22,
 15:23, 16:8, 33:16,
 43:20, 58:8, 60:10,
 63:4, 64:15, 72:8,
 81:14, 82:4, 83:11,
 84:3, 93:13, 93:14,
 93:15, 94:15, 111:8
firsthand [1] - 102:12
five [7] - 13:11, 19:18,
 19:19, 21:10, 33:12,
 79:24, 96:7
five-minute [1] - 33:12

full [4] - 4:8, 5:7, 11:3, 43:20

functions [1] - 22:25

funding [1] - 23:24

G

gag [2] - 73:24, 75:25

Gary [1] - 8:12

gather [1] - 8:15

gathered [1] - 104:15

gathering [1] - 108:13

Gedeon [2] - 74:4, 74:6

general [3] - 10:11, 49:7, 50:5

generally [1] - 104:16

given [5] - 39:5, 49:11, 54:21, 61:9, 111:11

Gladys [3] - 104:10, 105:9, 105:11

Glenn [4] - 74:5, 74:7, 79:4, 81:15

Glenn's [1] - 83:4

goblet [1] - 109:13

God [3] - 7:19, 26:15, 102:21

Goldner [1] - 66:25

goose [1] - 109:14

government [1] - 24:24

graduate [2] - 8:18, 9:1

graduated [1] - 8:15

graduating [3] - 9:18, 9:21, 9:23

grant [1] - 62:8

great [1] - 69:2

green [3] - 94:8, 94:22, 96:11

Groedel [3] - 2:4, 2:4, 102:24

GROEDEL [62] - 3:3, 3:5, 3:7, 4:7, 12:10, 15:11, 15:18, 18:25, 20:1, 28:22, 28:24,

33:11, 33:20, 33:25, 34:6, 38:6, 40:7,

40:10, 40:19, 42:13, 47:17, 47:23, 48:1,

48:12, 49:13, 55:2,

55:25, 56:2, 58:9,

58:15, 58:24, 59:7,

59:11, 66:3, 68:11,

68:20, 69:1, 70:8,

70:12, 70:23, 72:3,

72:10, 77:12, 81:17,

82:9, 93:10, 94:1,

97:24, 98:4, 98:8,

98:16, 98:20, 100:12,

102:10, 102:25, 103:4,

103:10, 108:17,

108:22, 109:8, 109:17,

110:9

Grounds [1] - 60:2

grounds [2] - 47:20, 55:17

groundskeeping [1] - 67:16

Group [2] - 58:7, 59:24

grouping [1] - 78:12

groups [1] - 31:8

guess [2] - 37:22, 95:7

guessed [1] - 95:4

guidance [2] - 23:15, 25:15

guidelines [1] - 24:11

guilty [6] - 56:7, 56:11, 57:7, 69:7, 86:3, 89:25

guys [1] - 90:18

H

Hahne [3] - 65:14, 66:17

HAHNE [1] - 65:15

half [1] - 6:18

hand [3] - 107:23, 107:24, 111:19

handbook [2] - 46:13, 57:20

hang [1] - 71:20

Hang [1] - 81:7

harassment [3] - 43:6, 43:17, 46:10

hard [1] - 89:11

Harding [1] - 8:21

HATHAWAY [1] - 1:18

head [2] - 4:14, 63:6

heads [7] - 22:23, 44:7, 44:24, 45:5, 45:12, 62:23, 63:5

Health [1] - 22:11

hear [1] - 77:16

heard [5] - 5:2, 38:1, 38:9, 76:10, 92:8

hearing [1] - 36:23

hearings [1] - 22:8

hearsay [2] - 102:12, 102:16

held [1] - 17:25

help [3] - 24:22, 24:23, 107:16

helping [1] - 97:4

helps [2] - 71:23, 72:1

hereby [1] - 111:7

hereinafter [1] - 4:5

hereunto [1] - 111:19

hidden [1] - 39:4

hide [1] - 102:8

hiding [1] - 99:4

high [3] - 8:15, 8:18, 11:9

higher [1] - 39:25

highest [1] - 102:4

himself [2] - 29:4, 99:13

hired [2] - 39:4, 40:1

hiring [2] - 24:12, 33:1

Hispanic [1] - 31:11

hit [2] - 86:7, 102:6

hit-skip [2] - 86:7, 102:6

hold [5] - 19:20, 19:21, 26:9, 41:14, 49:13

holding [2] - 8:8, 26:5

holds [2] - 20:18, 29:6

home [4] - 57:4, 100:18,

100:19, 102:8

Hondros [4] - 10:9,

10:10, 11:18

honestly [3] - 15:13,

71:9, 71:12

hour [1] - 71:16

hours [7] - 21:4, 21:8,

37:15, 39:1, 71:11,

87:6, 87:10

house [2] - 44:10, 96:21

HR [33] - 22:20, 24:12,

25:5, 25:7, 25:10,

25:13, 25:15, 25:22,

26:12, 26:13, 26:16,

26:19, 27:7, 29:2,

29:4, 29:8, 29:10,

29:14, 30:14, 30:25,

31:2, 31:20, 32:10,

34:11, 34:16, 40:1,

40:3, 40:4, 42:17,

43:5, 64:15, 67:8

HUD [1] - 12:18

human [2] - 22:15,

22:20

hundred [1] - 68:8

hundreds [2] - 24:6

hung [1] - 19:16

hurt [1] - 76:17

hurting [2] - 76:9, 76:12

husband [1] - 6:9

I

idea [3] - 18:24, 70:2, 88:11

ideas [1] - 45:17

identification [15] -

41:1, 41:18, 44:3,

45:25, 48:17, 58:19,

62:19, 68:24, 81:4,

83:19, 87:21, 88:15,

88:24, 92:16, 93:3

identify [5] - 8:7, 25:14,

31:24, 31:25, 72:19

III [2] - 58:7, 59:24

illuminate [1] - 60:19

illumination [1] - 109:15

image [1] - 94:19

imaged [2] - 18:18,

18:20

iMessage [1] - 44:19

iMessages [3] - 93:14,

94:4, 102:15

immediately [1] - 71:23

impatient [1] - 81:25

implication [1] - 19:25

important [2] - 22:19,

107:8

improvements [1] -

25:16

improving [3] - 24:10,

30:25, 31:2

IN [1] - 111:19

inaccurate [1] - 42:8

inadequately [1] - 73:10

inappropriate [1] -

100:4

incentive [1] - 22:7

inches [1] - 23:15

incident [5] - 85:5,

85:10, 86:7, 86:13,

86:22

incidents [1] - 100:10

include [3] - 7:2, 51:16,

61:2

includes [1] - 58:8

including [3] - 75:1,

75:7, 103:5

inclusion [1] - 25:17

income [4] - 20:6, 20:9,

20:25, 21:3

incorrect [2] - 14:14,

107:2

incorrectly [2] - 88:8,

109:22

INDEX [2] - 3:1, 3:9

indicated [1] - 112:8

individual [2] - 2:2,

72:24

individually [1] - 78:24

influence [1] - 47:22

inform [1] - 23:22

information [6] - 7:13,

14:14, 15:4, 17:15,

17:21, 38:18

informed [1] - 73:9

initial [1] - 33:16

innocent [2] - 86:1, 86:2

input [1] - 29:14

inside [2] - 36:12, 36:22

instead [2] - 27:11,

36:12

Institute [4] - 10:9,

10:16, 11:15, 11:18

instruct [2] - 55:8, 55:16

instructed [1] - 78:22

instructing [1] - 55:3

instructions [1] - 78:20
insulting [1] - 83:14
intend [1] - 44:10
interest [2] - 21:3, 37:4
interested [1] - 111:14
interface [1] - 21:17
interfere [1] - 5:6
interim [4] - 29:2, 31:17, 66:23, 71:15
interimly [1] - 28:14
interpret [1] - 72:22
interrupt [1] - 66:2
interview [1] - 21:16
interviewing [1] - 33:2
intoxicated [3] - 56:24, 57:2, 86:8
investigated [3] - 58:3, 59:21, 60:7
investigation [3] - 41:9, 42:6, 66:22
investigatory [1] - 41:21
investments [1] - 12:16
invokes [1] - 64:5
involve [1] - 56:19
involved [5] - 17:14, 17:21, 30:25, 86:7, 87:5
involves [1] - 72:25
issue [2] - 43:2, 100:24
issues [3] - 22:24, 67:5, 100:8
Italian [2] - 75:19, 76:4
item [5] - 21:25, 25:5, 25:6, 25:20, 71:19
items [7] - 21:24, 22:18, 24:9, 25:9, 70:17, 70:25, 71:17
itself [1] - 97:22

J

Jackson [10] - 26:15, 26:17, 30:19, 37:9, 38:13, 42:18, 83:5, 88:19, 95:4, 95:8
James [2] - 105:10, 105:11
January [2] - 64:15, 93:18
jay [1] - 5:25
Jeff [6] - 95:3, 95:11, 104:10, 107:12, 107:21, 108:14
Jim [2] - 37:9, 38:16
job [41] - 9:18, 9:20, 9:22, 12:13, 26:20, 26:21, 26:22, 27:6, 27:12, 29:11, 34:13, 34:16, 37:14, 39:5, 39:8, 39:23, 40:2,

49:6, 50:5, 56:13, 56:17, 56:19, 57:11, 60:14, 63:13, 63:18, 64:1, 68:4, 69:8, 70:4, 70:8, 70:17, 71:18, 73:10, 82:21, 91:9, 92:10, 97:4, 101:22
Jobs [3] - 31:11, 32:15, 39:22
jobs [4] - 13:2, 13:4, 17:25, 31:6
Josh [3] - 93:17, 93:23, 93:25
journal [1] - 25:20
journalist [1] - 96:20
JUDGE [2] - 1:5, 112:3
judges [1] - 21:17
July [2] - 40:23, 41:5
jumbled [1] - 77:20

K

Kathleen [12] - 2:9, 15:12, 33:13, 40:7, 55:2, 55:25, 58:9, 68:21, 70:9, 77:13, 81:17, 96:6
keep [3] - 20:2, 103:20, 104:23
Kelli [7] - 1:11, 33:22, 38:7, 82:10, 111:6, 111:23, 111:24
kellipage@
pagereportingservice
.com [1] - 1:20
kennel [1] - 32:16
Kent [1] - 9:4
kept [1] - 101:14
killed [1] - 70:5
kind [3] - 43:5, 44:19, 50:18
Klotz [3] - 74:4, 74:6, 79:2
KMINAHAN [1] - 33:17
kminahan@
meyersroman.com [2] - 2:12, 33:19
knowledge [16] - 43:8, 46:5, 50:21, 51:2, 51:10, 56:16, 56:18, 57:9, 61:13, 63:16, 63:23, 70:6, 70:24, 72:12, 102:13, 108:19
knows [2] - 40:13, 85:7

L

L-E-I-G-H-T-N-E-R [1] - 28:23
labeled [1] - 41:15

lady [3] - 100:3, 101:17, 108:10
laid [6] - 7:2, 7:4, 7:6, 7:21, 7:22, 8:9
LAKEWOOD [1] - 1:19
land [1] - 22:8
larger [1] - 89:21
last [18] - 6:1, 14:23, 19:18, 19:19, 28:18, 33:16, 37:21, 62:15, 82:24, 86:24, 91:15, 104:12, 104:25, 105:1, 105:2, 105:3, 105:5, 105:9
late [1] - 10:18
law [5] - 53:25, 80:16, 80:17, 80:23
law.com [1] - 2:7
lawful [1] - 4:1
laws [3] - 56:3, 71:6, 100:6
lawsuit [3] - 79:2, 79:4, 103:22
lawsuits [6] - 73:18, 74:17, 75:7, 77:5, 78:8, 78:13
lawyer [3] - 21:15, 79:21, 80:1
lawyers [1] - 17:18
leading [4] - 98:16, 98:18, 98:19, 100:12
learn [1] - 37:1
least [4] - 12:23, 50:21, 69:12, 94:15
leave [6] - 13:17, 30:19, 82:21, 99:3, 105:25, 106:20
leaves [1] - 85:6
left [4] - 56:25, 94:16, 94:18, 94:23
legal [3] - 23:6, 23:8, 85:15
Leightner [5] - 28:17, 29:1, 29:13, 29:21, 76:16
Leightner's [1] - 30:16
let' [1] - 72:22
letter [5] - 54:17, 54:19, 55:7, 55:11, 83:4
level [1] - 38:23
Lewis [1] - 2:10
liaison [1] - 24:23
licensed [1] - 7:13
lied [1] - 87:9
Lightener [1] - 76:20
likewise [1] - 4:21
limit [1] - 47:17
line [1] - 112:10
link [1] - 24:20
Lisa [2] - 74:4, 74:8

MICHELE NICOLE FRENCHKO

list [11] - 14:16, 14:23, 17:25, 21:22, 25:1, 43:21, 44:6, 44:24, 45:11, 109:3, 109:4
listen [2] - 22:11, 91:17
lists [1] - 44:9
litigation [1] - 15:15
lobby [1] - 24:2
lobbying [1] - 23:23
lodged [1] - 77:6
look [23] - 36:11, 36:22, 37:7, 38:2, 41:12, 41:25, 45:20, 48:13, 49:2, 49:22, 57:20, 70:13, 81:1, 83:1, 83:16, 87:18, 88:12, 88:21, 92:13, 92:25, 102:21, 105:21, 107:4
looking [9] - 49:17, 58:12, 60:6, 62:24, 71:18, 71:20, 73:5, 88:1, 88:3
looks [1] - 90:2
loosely [1] - 30:14
lose [1] - 102:23
lower [1] - 60:4
LPA [1] - 2:4
lumped [2] - 78:19, 79:6
lumping [3] - 77:22, 79:1, 79:17
lunatic [2] - 106:23, 107:6
lying [1] - 87:15

M

M-A-U-R-O [1] - 37:20
M-E-Y-E-R-S-R-O-M-A-N.com [1] - 33:18
ma'am [20] - 8:2, 16:15, 18:10, 19:18, 53:24, 57:5, 57:23, 66:12, 79:20, 84:14, 85:1, 86:14, 90:11, 95:5, 95:22, 96:23, 104:18, 106:1, 108:16
Ma'am [1] - 91:17
mail [5] - 16:6, 18:23, 33:15, 34:1, 34:5
mailed [1] - 40:12
mails [5] - 18:19, 18:20, 24:6, 24:7, 83:13
main [1] - 100:22
maintained [1] - 109:4
maintenance [3] - 38:1, 67:15, 99:18
majority [2] - 27:13, 30:10
Malloy [3] - 28:11, 94:13, 94:20

man [2] - 74:11, 74:12
manage [1] - 24:7
management [1] - 22:23
Management [1] - 63:10
manner [1] - 72:20
manual [15] - 46:13, 46:19, 46:23, 46:25, 47:4, 47:12, 48:4, 48:8, 48:21, 51:8, 52:9, 52:17, 53:12, 53:15, 72:23
March [2] - 1:13, 112:5
mark [1] - 58:15
marked [16] - 40:25, 41:17, 44:2, 45:24, 48:16, 58:18, 62:18, 68:23, 81:3, 83:18, 87:20, 88:14, 88:23, 92:15, 93:2, 93:9
married [5] - 5:18, 5:20, 6:7, 6:13, 6:15
Marscio [1] - 26:18
master's [4] - 9:10, 10:7, 11:10, 11:14
matter [2] - 59:10, 112:7
mattered [1] - 86:25
Mauro [5] - 37:18, 37:20, 39:3, 39:4, 99:4
mean [9] - 16:18, 25:19, 26:10, 33:6, 35:18, 54:23, 73:5, 89:20, 106:2
meaning [1] - 31:6
Means [1] - 31:11
means [1] - 111:9
measurable [3] - 25:13, 25:14, 34:12
measurables [2] - 26:23, 27:8
measure [3] - 26:24, 27:9, 34:15
measures [2] - 51:25, 52:14
media [5] - 44:6, 44:13, 45:21, 100:3, 101:18
medical [1] - 10:20
medication [1] - 5:5
meet [4] - 30:12, 40:1, 99:21, 104:16
meeting [7] - 62:22, 63:4, 87:25, 99:22, 100:1, 103:18, 106:5
meetings [14] - 22:3, 22:6, 22:8, 22:9, 22:13, 22:14, 22:17, 24:7, 25:6, 25:7, 25:8
member [4] - 97:2, 97:5, 97:7, 108:8
members [1] - 103:6
membership [2] - 35:22,

36:2
Mental [1] - 22:11
mention [1] - 19:23
mentioned [6] - 17:24, 25:4, 60:10, 73:6, 100:3, 101:24
message [12] - 44:5, 44:18, 44:19, 44:23, 45:9, 96:10, 97:9, 97:12, 97:22, 105:20, 108:8, 108:13
messages [9] - 94:5, 94:17, 95:1, 95:15, 97:10, 102:14, 105:8, 105:22, 107:4
met [3] - 29:12, 104:17, 105:17
Meyers [2] - 2:10, 33:17
MICHELE [1] - 4:10
MICHELE [9] - 1:9, 4:1, 4:6, 98:11, 103:9, 108:24, 109:7, 111:7, 112:4
Michele [2] - 4:10, 112:25
microphone [1] - 110:5
mid [1] - 19:13
middle [1] - 86:17
might [6] - 14:11, 54:14, 97:24, 104:9, 105:6, 107:4
Mike [1] - 75:14
military [1] - 10:22
MINAHAN [83] - 3:4, 11:25, 12:6, 12:12, 14:19, 14:24, 15:5, 15:13, 15:19, 18:16, 19:2, 19:22, 20:3, 28:20, 28:23, 28:25, 30:4, 30:7, 33:16, 33:24, 34:3, 35:15, 38:4, 40:9, 40:12, 40:17, 40:20, 42:12, 47:16, 47:19, 47:25, 48:9, 49:10, 49:17, 49:20, 52:1, 55:4, 55:15, 56:1, 58:12, 59:2, 59:9, 59:15, 64:4, 64:11, 65:7, 69:3, 70:10, 70:19, 71:22, 72:5, 72:11, 73:23, 74:3, 76:2, 77:8, 77:18, 78:16, 79:13, 80:12, 80:18, 80:22, 81:6, 81:11, 81:19, 88:4, 89:13, 90:18, 92:4, 92:19, 96:1, 98:2, 98:9, 98:12, 102:23, 103:1, 106:25, 108:23, 109:6,

109:11, 109:16, 109:18, 110:3
Minahan [3] - 2:9, 14:18, 18:4
mind [1] - 12:8
MINIHAN [11] - 3:6, 56:6, 58:21, 64:9, 66:2, 66:4, 68:16, 93:8, 96:13, 98:18, 109:1
minimize [1] - 50:2
minimum [2] - 30:12, 40:2
Ministerial [1] - 31:10
minorities [1] - 31:9
minute [3] - 33:12, 68:14, 94:12
minutes [4] - 22:3, 83:24, 97:25, 98:1
misdemeanor [1] - 91:21
misdemeanors [2] - 56:8, 56:9
Misocky [2] - 37:9, 38:16
Miss [2] - 14:18, 102:24
missing [1] - 99:15
misspellings [1] - 109:23
misunderstanding [1] - 66:5
modify [1] - 31:16
mom [1] - 96:19
moment [4] - 57:23, 69:6, 93:6, 110:2
money [1] - 24:2
month [1] - 30:15
morality [1] - 60:8
MORROW [1] - 37:19
mouth [1] - 91:22
move [5] - 11:8, 88:10, 92:23, 94:1, 108:17
moved [2] - 14:8, 14:9
moving [1] - 23:9
MR [1] - 108:17
MS [155] - 3:3, 3:4, 3:5, 3:6, 3:7, 4:7, 11:25, 12:6, 12:10, 12:12, 14:19, 14:24, 15:5, 15:11, 15:13, 15:18, 15:19, 18:16, 18:25, 19:2, 19:22, 20:1, 20:3, 28:20, 28:22, 28:23, 28:24, 28:25, 30:4, 30:7, 33:11, 33:16, 33:20, 33:24, 33:25, 34:3, 34:6, 35:15, 38:4, 38:6, 40:7, 40:9, 40:10, 40:12, 40:17, 40:19,

40:20, 42:12, 42:13, 47:16, 47:17, 47:19, 47:23, 47:25, 48:1, 48:9, 48:12, 49:10, 49:13, 49:17, 49:20, 52:1, 55:2, 55:4, 55:15, 55:25, 56:1, 56:2, 56:6, 58:9, 58:12, 58:15, 58:21, 58:24, 59:2, 59:7, 59:9, 59:11, 59:15, 64:4, 64:9, 64:11, 65:7, 66:2, 66:3, 66:4, 68:11, 68:16, 68:20, 69:1, 69:3, 70:8, 70:10, 70:12, 70:19, 70:23, 71:22, 72:3, 72:5, 72:10, 72:11, 73:23, 74:3, 76:2, 77:8, 77:12, 77:18, 78:16, 79:13, 80:12, 80:18, 80:22, 81:6, 81:11, 81:17, 81:19, 82:9, 88:4, 89:13, 90:18, 92:4, 92:19, 93:8, 93:10, 94:1, 96:1, 96:13, 97:24, 98:2, 98:4, 98:8, 98:9, 98:12, 98:16, 98:18, 98:20, 100:12, 102:10, 102:23, 102:25, 103:1, 103:4, 103:10, 106:25, 108:22, 108:23, 109:1, 109:6, 109:8, 109:11, 109:16, 109:17, 109:18, 110:3, 110:9
Mulberry [1] - 2:6
Munroe [1] - 2:5
must [2] - 69:15, 72:24
muted [2] - 110:4, 110:5
MVP [4] - 20:16, 20:17, 20:19, 21:1

N

N-A-G-Y [1] - 6:2
N-E-W-B-R-O-U-G-H [1] - 8:14
N.com [1] - 33:18
Nagy [2] - 5:25, 6:7
naked [1] - 96:22
name [19] - 4:8, 6:1, 7:11, 19:9, 28:18, 33:17, 37:21, 63:5, 64:11, 67:20, 70:4, 74:14, 96:18, 104:6, 104:10, 104:25, 105:9, 112:8
named [6] - 74:18, 75:7, 93:17, 95:11, 95:18,

111:7
names [13] - 5:11,
 104:5, 104:7, 104:12,
 104:16, 105:1, 105:2,
 105:3, 105:5, 105:9,
 105:16, 105:21, 109:3
Nancy [1] - 26:18
narrative [1] - 102:11
National [1] - 62:9
national [2] - 75:19,
 75:20
nature [4] - 13:25,
 30:20, 51:18, 109:22
navigate [1] - 24:24
necessarily [2] - 36:20,
 65:1
necessary [1] - 92:3
need [8] - 24:16, 40:21,
 44:7, 44:9, 50:24,
 60:1, 84:8, 97:25
needed [1] - 29:8
negative [1] - 76:22
neglect [2] - 69:11,
 69:15
never [10] - 7:6, 43:20,
 50:18, 90:6, 90:10,
 90:11, 91:1, 91:3,
 107:2, 109:4
new [3] - 33:15, 34:16,
 94:14
Newbrough [2] - 8:12,
 8:13
news [1] - 77:3
newspapers [1] - 76:23
next [1] - 29:14
NF [2] - 87:25, 88:8
NICOLE [10] - 1:10, 4:1,
 4:6, 4:11, 98:11,
 103:9, 108:24, 109:7,
 111:7, 112:4
Nicole [2] - 4:10, 112:25
Niki [3] - 5:14, 83:6,
 88:9
NIKI [1] - 5:15
nine [1] - 27:21
NO [3] - 1:5, 112:3,
 112:23
noise [1] - 76:10
nominating [1] - 16:10
nonexhaustive [2] -
 21:22, 25:2
nonresponsive [3] -
 94:2, 104:21, 108:18
NORTHERN [2] - 1:1,
 112:2
Notary [4] - 1:11, 82:13,
 111:6, 111:24
note [2] - 93:8, 104:3
notes [2] - 26:9, 103:7
nothing [6] - 24:19,

34:15, 90:25, 98:8,
 108:22, 111:9
notice [2] - 1:13, 111:13
November [11] - 44:6,
 44:14, 44:20, 45:2,
 45:9, 45:11, 45:18,
 48:21, 97:12, 97:16
number [22] - 16:6,
 16:17, 16:19, 16:22,
 22:13, 22:16, 36:3,
 39:1, 50:4, 50:10,
 50:12, 51:14, 52:5,
 52:12, 59:25, 60:1,
 76:22, 87:9, 87:15,
 88:3, 89:16
NUMBER [1] - 3:10
Number [4] - 48:13,
 62:10, 93:11, 93:15
numbers [1] - 58:10
numerous [4] - 22:4,
 22:24, 23:7, 106:17

O

oaths [1] - 111:6
object [5] - 19:24,
 70:19, 79:21, 80:1,
 102:15
objection [25] - 12:1,
 12:8, 20:3, 30:4, 30:7,
 35:15, 42:12, 47:16,
 47:20, 48:9, 52:1,
 77:9, 77:13, 78:16,
 79:13, 80:12, 80:21,
 80:22, 92:4, 98:16,
 100:12, 102:10,
 106:25, 107:3, 109:11
objectively [1] - 34:15
obligations [1] - 63:17
obtain [4] - 9:7, 10:19,
 16:17, 16:22
obtained [2] - 10:14,
 11:20
occasion [1] - 84:16
OCCHA [1] - 31:10
occurred [3] - 26:11,
 53:23, 59:8
OCRC [3] - 25:17,
 42:12, 84:22
October [1] - 111:25
OF [8] - 1:1, 1:6, 4:6,
 98:11, 103:9, 108:24,
 109:7, 112:2
offense [2] - 58:8, 60:11
offenses [9] - 56:11,
 56:12, 56:16, 56:23,
 57:8, 57:10, 60:4,
 65:2, 65:9
Offenses [2] - 58:7,
 59:25

offensive [1] - 75:19
offer [1] - 53:10
offered [1] - 53:7
offhand [1] - 58:10
office [13] - 15:25, 16:1,
 23:18, 32:17, 37:3,
 37:13, 79:12, 86:6,
 86:19, 99:11, 101:5,
 104:4, 111:19
official [4] - 12:2, 12:4,
 38:22, 102:4
officials [2] - 24:15,
 39:15
often [1] - 24:23
OH [1] - 1:19
OHIO [2] - 1:1, 112:2
Ohio [8] - 1:12, 2:5,
 2:11, 31:11, 111:3,
 111:6, 111:19, 111:24
old [4] - 35:6, 35:12,
 35:13, 35:19
OLD [1] - 35:6
Old [2] - 35:20, 35:21
Ole [3] - 34:21, 40:6,
 101:3
ole [2] - 35:4, 35:10
OLE [3] - 35:4, 35:10,
 35:19
on-call [1] - 71:12
once [3] - 38:17, 38:25,
 83:23
one [56] - 4:17, 7:8,
 8:20, 13:11, 18:8,
 18:14, 25:4, 25:5,
 25:6, 25:9, 30:23,
 32:10, 32:19, 35:1,
 36:15, 40:21, 40:22,
 41:13, 41:14, 45:5,
 45:14, 45:21, 56:7,
 56:9, 57:18, 57:23,
 57:25, 59:1, 59:12,
 60:11, 61:25, 62:1,
 68:3, 70:6, 71:3, 72:8,
 74:23, 76:20, 77:22,
 84:1, 84:9, 89:6,
 89:12, 93:7, 94:13,
 94:15, 94:18, 94:23,
 100:1, 104:6, 105:6,
 106:9, 107:14, 108:23,
 110:2
one's [1] - 104:10
ones [10] - 24:25, 32:12,
 32:14, 58:25, 71:3,
 73:21, 74:15, 98:10,
 105:3, 105:7
open [1] - 106:6
opening [1] - 55:23
opinion [5] - 27:10,
 34:13, 37:2, 56:20,
 101:13

opinions [1] - 61:10
opportunity [2] - 31:19,
 109:20
opposed [2] - 4:13,
 27:13
options [1] - 52:6
order [10] - 11:15,
 11:17, 15:7, 24:2,
 25:12, 29:15, 31:24,
 40:17, 73:24, 75:25
orders [1] - 22:1
organization [1] - 31:11
organization's [1] - 71:5
origin [1] - 75:19
original [3] - 84:1,
 84:13, 112:9
origins [1] - 75:20
ostensibly [1] - 33:5
outcomes [3] - 25:13,
 25:14, 26:24
outside [1] - 36:12
overtime [4] - 99:2,
 101:19, 106:1, 106:13
overture [1] - 100:5
own [3] - 20:13, 98:17,
 100:24

P

p.m [2] - 1:12, 110:12
package [1] - 67:4
pad [1] - 103:20
pads [1] - 104:3
page [23] - 41:25, 42:1,
 43:19, 49:2, 49:11,
 49:12, 49:23, 58:14,
 59:23, 59:25, 62:15,
 72:10, 81:14, 82:4,
 83:1, 84:9, 84:10,
 86:17, 86:25, 93:13,
 93:15, 112:10
Page [4] - 1:11, 111:6,
 111:23, 111:24
PAGE [3] - 1:18, 3:2,
 3:10
pages [6] - 41:22, 81:22,
 82:5, 82:7, 93:6
paid [6] - 27:22, 37:15,
 39:1, 39:2, 87:13,
 87:16
panel [17] - 22:15, 25:6,
 25:7, 25:8, 25:10,
 25:12, 25:18, 25:25,
 26:2, 26:14, 27:8,
 27:11, 27:18, 27:20,
 29:4, 29:9, 29:12
panoply [1] - 51:24
papers [1] - 68:13
paperwork [1] - 90:7
paragraph [4] - 43:20,

<p>71:19, 86:25, 89:9 paraphrasing [1] - 30:24 pardon [3] - 14:6, 54:18, 96:16 Parks [3] - 65:25, 67:9, 69:6 parks [2] - 89:4, 89:5 part [13] - 7:19, 18:17, 41:21, 42:5, 52:22, 52:23, 55:1, 71:2, 73:5, 73:7, 78:5, 91:8, 94:14 participants [1] - 2:2 participated [2] - 22:14, 101:20 participating [1] - 61:3 particular [2] - 36:15, 84:1 parties [3] - 89:21, 111:11, 111:14 partisan [1] - 61:3 partly [1] - 69:12 partner [2] - 20:14, 20:23 party [2] - 94:7, 100:4 party's [1] - 86:18 pass [1] - 40:10 past [1] - 29:12 Patty [1] - 66:25 Paula [3] - 74:4, 74:6, 79:2 PEARSON [2] - 1:5, 112:3 penalties [1] - 50:7 Penalties [1] - 60:3 pending [1] - 57:23 people [23] - 22:21, 23:1, 27:20, 28:1, 29:16, 31:25, 35:22, 36:21, 39:25, 60:23, 98:14, 99:14, 99:19, 101:5, 103:13, 103:18, 103:21, 104:5, 105:2, 105:13, 105:17, 109:3, 109:4 per [2] - 21:8, 87:25 percent [2] - 68:8, 72:4 percentages [3] - 71:24, 72:6, 72:9 perform [3] - 13:19, 52:16, 72:24 performance [15] - 26:24, 27:9, 31:22, 32:2, 32:5, 34:15, 36:21, 39:8, 46:6, 51:20, 56:19, 57:11, 60:16, 68:4, 70:4 performing [5] - 31:25, 37:3, 52:25, 60:14,</p>	<p>73:10 period [1] - 70:7 Perkins [3] - 104:17, 105:18, 106:5 permanent [2] - 29:10, 30:13 permanently [2] - 28:13, 29:7 permission [1] - 62:8 permitted [3] - 13:18, 53:22, 75:25 person [11] - 4:17, 29:6, 29:11, 32:19, 86:1, 99:10, 100:1, 100:16, 100:23, 101:12, 101:21 personnel [1] - 46:13 pertaining [2] - 33:3, 100:10 petition [1] - 16:10 phone [2] - 18:21, 18:22 phrase [1] - 51:3 physical [2] - 109:2, 109:4 physically [3] - 76:8, 76:12, 76:17 picked [3] - 16:10, 28:1, 28:2 place [3] - 11:25, 77:8, 111:12 placed [2] - 16:18, 16:20 places [1] - 14:16 Plaintiff [4] - 1:4, 1:14, 2:8, 4:2 Plaintiff's [30] - 3:11, 3:11, 3:12, 3:12, 3:13, 3:13, 3:14, 3:14, 3:15, 3:15, 3:16, 3:16, 3:17, 3:17, 3:18, 40:25, 41:17, 44:2, 45:24, 48:16, 58:18, 62:18, 68:23, 81:3, 83:18, 87:20, 88:14, 88:23, 92:15, 93:2 plan [1] - 37:1 planner [2] - 8:10, 12:25 planning [4] - 13:7, 14:11, 15:22, 22:9 plans [1] - 23:14 platform [1] - 34:21 platforms [1] - 35:1 plea [4] - 56:10, 68:7, 91:20, 102:22 pled [8] - 56:7, 56:8, 57:8, 65:2, 69:7, 85:18, 89:6, 89:25 point [1] - 47:18 points [2] - 104:2, 104:14 police [2] - 99:23, 100:2</p> <p>policies [12] - 22:18, 23:10, 31:4, 46:18, 46:22, 47:4, 48:20, 52:15, 58:6, 60:5, 71:5 policy [10] - 25:16, 31:13, 31:16, 47:13, 49:25, 51:6, 51:23, 52:9, 52:17, 52:22, 52:23, 57:15, 58:4, 58:11, 59:17, 61:7, 61:11, 61:19, 62:4 political [3] - 22:22, 24:21, 61:3 politically [2] - 29:16, 35:25 poor [1] - 101:17 pops [1] - 92:22 portion [2] - 82:12, 94:13 position [23] - 7:12, 7:17, 8:8, 11:23, 12:1, 12:4, 12:7, 12:25, 13:17, 29:6, 29:7, 29:10, 29:14, 30:17, 32:18, 39:22, 66:12, 67:13, 67:17, 69:18, 69:21, 69:22, 71:11 positions [7] - 27:22, 31:17, 32:7, 33:1, 36:1, 36:11, 39:25 possible [1] - 42:19 post [3] - 41:4, 44:13, 44:17 posted [3] - 31:17, 44:5, 44:13 posts [3] - 35:3, 40:23, 45:21 potential [1] - 50:2 practices [5] - 24:12, 25:23, 30:25, 31:3, 31:14 prefer [2] - 34:2, 86:13 prepare [3] - 21:17, 21:24, 23:21 prepared [1] - 55:13 presence [1] - 38:25 PRESENT [1] - 2:15 presented [2] - 25:20, 25:21 presenting [1] - 31:4 presently [1] - 97:6 preserve [3] - 104:3, 109:24, 110:7 preserved [1] - 47:24 president [1] - 97:19 presumed [1] - 101:2 pretext [1] - 56:5 preventable [1] - 86:12 prevented [2] - 86:10, 86:11</p> <p>previous [1] - 30:10 previously [1] - 101:25 Principles [1] - 49:5 print [1] - 89:21 private [2] - 29:3, 61:5 privilege [4] - 55:1, 55:17, 56:4, 64:8 probation [1] - 69:25 problem [2] - 15:18, 90:21 problems [3] - 71:8, 72:19, 72:20 Procedure [1] - 4:4 procedure [5] - 46:19, 48:8, 52:9, 57:15, 72:23 procedures [5] - 46:18, 46:22, 47:4, 48:21, 52:15 process [1] - 89:22 processes [1] - 22:25 produce [4] - 15:11, 17:24, 103:22, 103:24 produced [12] - 14:17, 15:14, 15:15, 17:19, 18:11, 18:12, 18:14, 18:22, 18:23, 18:24, 41:22, 42:4 producing [2] - 17:14, 17:21 production [1] - 105:7 professionals [1] - 25:22 program [1] - 11:15 progressive [6] - 47:12, 48:3, 64:17, 64:20, 65:4, 67:1 prohibition [1] - 90:1 project [1] - 22:2 projects [3] - 23:9, 23:24, 37:11 promised [1] - 29:11 promote [1] - 50:1 promoted [1] - 31:7 promotions [1] - 32:1 property [1] - 20:18 propose [1] - 24:8 prosecutor's [3] - 23:18, 99:11, 101:5 protecting [4] - 95:4, 95:8, 101:4, 101:10 prove [3] - 56:5, 92:9, 100:20 proven [2] - 86:1, 86:2 provide [3] - 26:23, 27:8, 62:12 provided [2] - 4:3, 67:4 providing [2] - 23:4, 108:1 provision [1] - 61:13</p>
--	---

provisions [2] - 60:13, 60:22
psychopath [5] - 94:11, 95:18, 96:8, 107:14, 108:9
public [10] - 9:10, 22:22, 23:22, 24:24, 72:16, 74:12, 74:25, 86:19, 89:4, 108:8
Public [3] - 1:11, 111:6, 111:24
publicity [2] - 77:24, 79:11
pull [3] - 40:21, 81:11, 107:7
pulled [2] - 39:21, 100:18
pulling [1] - 49:15
purchasing [1] - 24:13
purpose [7] - 4:2, 25:25, 26:1, 31:25, 38:19, 74:24, 79:1
purposes [16] - 40:25, 41:17, 44:2, 45:24, 48:16, 58:18, 62:18, 68:23, 73:24, 81:3, 83:18, 87:20, 88:14, 88:23, 92:15, 93:2
pursuant [3] - 1:13, 51:7, 111:13
pushing [1] - 30:11
put [11] - 16:7, 17:3, 17:4, 25:12, 25:18, 25:25, 26:2, 27:25, 77:1, 77:4, 96:24
putting [1] - 27:18

Q

qualifications [2] - 30:12, 40:2
questioned [1] - 36:21
questions [11] - 5:7, 23:22, 44:12, 61:21, 78:18, 79:20, 79:24, 80:4, 84:20, 96:25, 103:2
quick [2] - 4:12, 98:10
quickly [1] - 66:2
quite [1] - 66:15

R

Rae [4] - 1:11, 111:6, 111:23, 111:24
raise [1] - 29:6
raises [1] - 32:1
ran [6] - 16:2, 16:5, 34:20, 70:5, 86:5, 86:18

Raton [1] - 2:6
RE [1] - 112:2
reach [1] - 99:24
reached [2] - 99:20, 100:1
read [22] - 17:12, 42:1, 42:6, 51:21, 51:22, 68:6, 71:22, 81:22, 82:1, 82:9, 82:13, 84:4, 84:6, 84:9, 84:10, 90:7, 90:16, 102:19, 105:6, 110:7, 112:6, 112:7
reading [11] - 52:18, 61:8, 71:24, 72:2, 72:8, 81:20, 84:3, 91:4, 91:22, 95:20, 107:25
Real [1] - 10:10
real [2] - 12:16, 98:10
really [4] - 33:11, 65:16, 92:2, 101:17
reapprove [1] - 62:23
reason [9] - 53:7, 53:8, 53:11, 54:7, 54:21, 54:22, 77:13, 87:1, 103:24
reasons [3] - 101:13, 108:3, 112:8
Rebecca [1] - 26:18
receive [5] - 10:23, 31:9, 46:13, 70:8, 81:9
received [5] - 46:9, 47:8, 69:3, 81:10, 91:16
receiving [1] - 29:9
recently [1] - 39:25
receptive [2] - 27:16, 27:18
recess [3] - 34:9, 68:18, 98:6
recognize [1] - 48:20
recollect [1] - 104:22
recollection [4] - 90:4, 90:9, 90:20, 90:23
recommendation [1] - 29:5
recommendations [1] - 27:17
recommended [3] - 25:10, 29:4, 66:22
record [12] - 4:9, 18:17, 51:19, 51:20, 82:13, 89:4, 93:9, 95:22, 96:24, 98:3, 111:10, 112:8
Recovery [1] - 22:11
RECROSS [4] - 3:5, 3:7, 103:9, 109:7
RECROSS-

EXAMINATION [4] - 3:5, 3:7, 103:9, 109:7
REDIRECT [2] - 3:6, 108:24
reduced [3] - 39:23, 111:9
refer [1] - 92:23
referenced [1] - 108:12
references [1] - 105:20
referral [1] - 7:14
referred [1] - 100:10
referring [6] - 35:11, 35:14, 46:3, 62:21, 65:3, 87:24
refers [1] - 51:6
refresh [1] - 90:4
refreshed [2] - 90:20, 90:24
refused [2] - 99:3
refusing [2] - 60:6, 105:25
regarding [2] - 83:5, 90:7
regular [3] - 14:8, 14:9, 23:18
relate [4] - 22:6, 22:24, 23:3, 24:17
related [8] - 18:5, 39:14, 39:24, 57:12, 60:17, 62:9, 63:2, 76:7
relates [6] - 23:6, 23:9, 23:16, 24:9, 24:12, 56:21
relation [1] - 65:8
relations [1] - 101:17
relative [8] - 7:17, 24:9, 90:25, 91:4, 99:17, 101:21, 111:13, 111:14
remain [1] - 84:24
remained [1] - 85:14
remember [21] - 6:4, 6:16, 11:6, 14:13, 19:8, 19:9, 67:2, 67:5, 74:13, 91:2, 95:9, 95:13, 104:1, 104:5, 104:16, 105:5, 105:8, 105:16, 105:19, 108:5
remote [1] - 2:2
remotely [1] - 111:11
Renee [6] - 95:19, 95:24, 96:15, 96:17, 96:18
rents [1] - 20:18
reorganizational [1] - 62:22
repeat [3] - 8:17, 45:10, 47:5
rephrase [3] - 20:5, 50:23, 54:13

54:25, 95:17, 102:4
responses [1] - 21:18
responsibilities [6] - 21:5, 21:9, 21:12, 71:4, 71:25, 73:7
responsibility [1] - 50:11
responsible [1] - 69:12
responsive [1] - 74:16
rest [2] - 26:15, 89:22
restaurants [2] - 106:6, 106:7
result [1] - 89:3
results [1] - 60:10
resume [3] - 14:15, 14:20, 15:5
retaliation [2] - 43:6, 46:10
retire [1] - 30:22
revealing [1] - 54:7
review [13] - 21:24, 22:1, 22:2, 22:7, 23:10, 23:15, 23:16, 23:21, 46:15, 84:16, 84:18, 93:6, 109:20
reviewed [1] - 83:23
revised [7] - 23:16, 47:6, 48:21, 53:10, 53:11, 53:14, 61:2
revision [3] - 58:23, 59:3, 59:4
rewarding [1] - 71:6
RF [2] - 96:11, 96:13
Rich [1] - 30:19
Richard [10] - 26:15, 26:17, 28:12, 37:9, 38:13, 42:17, 83:5, 88:18, 95:4, 95:8
rid [10] - 34:21, 36:4, 36:8, 36:14, 36:18, 36:20, 43:22, 45:1, 109:3, 109:5
right-hand [2] - 107:23, 107:24
role [10] - 12:4, 12:10, 12:11, 12:12, 12:13, 19:21, 19:23, 20:7, 21:1, 21:20
Roman [1] - 2:10
Rule [1] - 111:15
Rules [1] - 4:3
rules [2] - 4:12, 72:23
rumors [2] - 38:1, 38:11
run [2] - 16:25, 17:2
running [5] - 16:3, 16:8, 41:5, 76:3, 104:4
Russo [3] - 74:14

S	
S-C-O-P-E [1] - 7:11	self-employment [2] - 13:1, 20:10
safety [3] - 72:16, 72:23, 73:1	senators [1] - 24:2
Salamone [1] - 75:14	send [9] - 15:16, 24:7, 33:14, 33:21, 33:22, 34:1, 34:4, 34:6, 68:20
salaries [1] - 33:8	sending [4] - 38:19, 81:8, 82:1, 83:13
sales [2] - 10:10, 12:16	senior [1] - 22:12
Sanitary [1] - 32:16	sense [3] - 26:11, 45:4, 49:20
satisfactorily [2] - 52:16, 72:25	sensitive [1] - 99:17
saw [3] - 37:2, 103:12, 105:8	sensitivity [2] - 43:6, 43:17
scene [4] - 56:25, 85:6, 100:15, 100:25	sent [11] - 15:6, 18:8, 42:20, 43:16, 54:17, 54:19, 70:9, 71:18, 73:16, 84:15, 90:16
school [10] - 8:15, 8:18, 9:1, 11:9, 13:5, 13:9, 80:16, 80:17, 80:24	sentence [3] - 79:20, 82:23, 83:11
Schools [3] - 13:6, 13:23, 14:1	separate [5] - 20:2, 78:3, 78:6, 78:11, 78:23
science [1] - 10:22	separation [2] - 13:25, 30:20
Scope [4] - 6:25, 7:8, 7:11, 7:12	September [1] - 81:16
scratch [1] - 103:20	series [1] - 93:13
screen [2] - 34:5, 88:2	serve [1] - 50:1
scumbag [1] - 93:25	SERVICE [1] - 1:18
seal [1] - 111:19	service [1] - 73:1
second [6] - 6:9, 81:7, 86:17, 86:24, 89:9, 92:20	services [2] - 22:12, 23:4
secondly [1] - 4:17	Services [2] - 32:15, 39:22
section [11] - 49:5, 49:14, 49:16, 49:23, 52:9, 52:10, 59:23, 60:1, 60:2, 90:3	serving [1] - 29:4
see [37] - 34:5, 41:3, 41:14, 43:22, 44:11, 44:21, 44:22, 49:9, 49:13, 49:23, 50:8, 60:16, 62:21, 71:20, 71:23, 72:4, 72:17, 72:22, 73:16, 80:20, 83:15, 89:6, 89:8, 89:14, 89:17, 89:18, 92:23, 93:11, 93:16, 96:3, 97:18, 97:23, 105:21, 106:11	session [5] - 53:23, 54:13, 54:16, 55:24, 64:6
seeing [2] - 41:3, 89:11	set [7] - 33:8, 46:18, 62:15, 81:7, 84:9, 111:9, 111:19
seek [1] - 16:1	settled [1] - 91:23
select [1] - 29:24	seventh [1] - 96:10
selected [8] - 27:24, 29:1, 29:17, 29:19, 29:21, 29:22, 30:1, 30:9	several [4] - 39:6, 61:11, 82:5, 82:7
selecting [2] - 29:9, 29:13	severance [1] - 67:4
self [4] - 12:14, 12:19, 13:1, 20:10	shaking [1] - 4:14
self-employed [2] - 12:14, 12:19	shall [3] - 49:6, 50:4, 51:15
	shameful [1] - 102:3
	Shara [1] - 76:20
	SHEET [1] - 112:1
	Sheet [2] - 112:8, 112:9
	sheriff [1] - 74:19
	shift [1] - 69:15
	short [4] - 42:21, 43:1, 61:12, 65:10
	shortly [2] - 62:7, 63:7
	show [1] - 101:23
	showing [2] - 88:1, 89:4

<p>99:10 specialist [2] - 7:14, 10:20 specific [7] - 21:13, 61:12, 63:1, 67:14, 67:20, 77:22, 106:12 specifically [1] - 67:2 speculation [1] - 102:11 spell [10] - 4:8, 5:16, 6:1, 6:11, 8:13, 8:22, 28:18, 28:20, 37:21, 38:4 spelled [1] - 35:4 spelling [2] - 5:17, 38:5 spend [4] - 21:4, 21:8, 21:19, 21:20 splashing [1] - 75:16 split [1] - 56:14 spot [1] - 16:9 Spriggle [1] - 2:5 SS [1] - 111:3 staff [4] - 44:9, 63:2, 73:2 stand [2] - 23:13, 75:17 standard [2] - 62:22, 63:5 standing [1] - 12:8 start [5] - 16:3, 27:11, 40:16, 40:22, 100:19 started [3] - 57:4, 64:22, 100:18 starts [1] - 96:9 State [8] - 1:12, 9:4, 9:14, 9:19, 11:10, 111:3, 111:6, 111:24 state [8] - 4:8, 24:1, 24:2, 24:11, 38:19, 60:23, 77:12, 95:7 statement [3] - 41:8, 65:6, 88:18 statements [2] - 75:18, 103:8 states [4] - 49:5, 49:24, 61:14, 86:16 States [1] - 10:15 STATES [2] - 1:1, 112:2 stating [2] - 44:6, 99:4 statute [1] - 74:18 stem [1] - 109:14 stenotypy [1] - 111:10 Steven [2] - 5:25, 26:18 stick [1] - 19:17 still [4] - 39:18, 47:20, 61:6, 110:4 stipulate [2] - 95:16, 107:23 stipulations [2] - 1:14, 111:13 stop [1] - 76:2 strike [6] - 11:5, 34:19,</p>	<p>35:9, 94:2, 104:21, 108:17 subdivision [1] - 24:21 subdivisions [1] - 22:22 Subject [2] - 87:24, 88:5 subject [2] - 34:20, 83:5 subjected [1] - 50:18 submit [1] - 103:8 subscribed [1] - 111:11 subsequently [1] - 25:24 substance [1] - 5:6 substitute [2] - 13:5, 13:8 sue [1] - 74:19 suggested [3] - 26:13, 27:8, 27:14 suggests [1] - 98:21 suing [1] - 54:3 Suite [1] - 2:10 summary [1] - 89:5 sunshine [2] - 53:25, 56:3 supersedes [1] - 53:12 supervisory [3] - 71:4, 71:24, 73:7 supply [1] - 10:20 support [2] - 62:12, 63:3 Support [1] - 32:15 supporting [1] - 21:25 suppose [1] - 33:7 supposed [5] - 33:9, 48:2, 52:20, 86:1, 86:2 SW [1] - 2:6 swam [1] - 96:21 sworn [2] - 4:4, 111:8 system [5] - 84:24, 84:25, 85:15, 85:24, 102:5</p>	<p>ten-minute [1] - 68:14 term [2] - 12:1, 12:7 terminate [7] - 42:17, 43:11, 53:5, 53:19, 53:21, 87:1, 109:5 terminated [17] - 6:22, 7:1, 7:15, 7:21, 42:23, 51:13, 53:3, 53:17, 54:5, 59:13, 62:7, 63:7, 64:16, 64:19, 65:5, 66:19, 69:16 terminating [1] - 45:2 termination [18] - 7:5, 33:2, 42:21, 43:2, 53:11, 54:4, 54:17, 54:19, 55:11, 58:8, 59:7, 60:11, 62:2, 63:14, 63:24, 65:11, 70:16, 70:25 terms [3] - 11:9, 33:3, 62:3 terrible [1] - 105:14 terrified [1] - 96:8 testify [3] - 70:20, 70:21, 111:8 testifying [1] - 17:8 testimony [6] - 57:22, 58:2, 59:20, 60:6, 61:15, 111:11 text [11] - 44:18, 44:19, 94:5, 95:15, 97:22, 102:14, 105:8, 105:20, 105:21, 107:4, 108:8 texts [1] - 93:13 THE [16] - 14:22, 15:1, 15:10, 40:15, 49:18, 55:14, 58:14, 64:7, 74:1, 75:24, 80:20, 81:10, 81:13, 92:21, 96:5, 110:1 Thereupon [1] - 82:12 thick [1] - 23:16 thinking [2] - 45:1, 74:2 thirdly [1] - 4:24 thousands [1] - 95:14 three [6] - 4:12, 6:18, 9:25, 10:1, 17:5, 79:20 throughout [3] - 39:15, 51:16, 52:21 throwing [3] - 75:1, 75:7, 75:11 Thursday [1] - 1:12 thwart [1] - 27:15 tightening [1] - 27:12 timely [1] - 72:20 title [2] - 67:14, 67:22 today [9] - 21:23, 34:16, 42:2, 83:22, 84:2, 84:11, 84:13, 88:19, 92:6</p>	<p>today's [1] - 91:13 together [12] - 25:12, 25:19, 25:25, 26:2, 27:18, 77:23, 78:4, 78:12, 78:19, 79:1, 79:6 Tom [4] - 97:15, 97:17, 97:18, 104:6 took [3] - 79:12, 91:20, 99:14 top [3] - 43:19, 96:11, 96:13 total [1] - 102:15 towards [3] - 15:23, 16:8, 31:2 township [1] - 23:3 townships [1] - 23:4 trail [1] - 103:19 training [13] - 10:20, 10:21, 10:23, 11:1, 39:7, 42:20, 43:7, 43:17, 46:10, 62:12, 62:23, 63:3 transcribed [1] - 111:10 transcript [3] - 109:19, 112:6, 112:9 transfer [1] - 91:23 transferred [2] - 38:21, 69:18 transmit [1] - 44:23 transmitted [1] - 45:9 treasury [1] - 23:15 treated [1] - 101:18 treatment [4] - 42:18, 42:24, 43:3, 43:10 tried [1] - 31:21 Tripoulas [1] - 6:10 True [1] - 86:21 true [4] - 36:24, 74:22, 84:22, 111:10 Trumbull [24] - 7:6, 7:20, 12:25, 17:9, 22:5, 23:24, 24:3, 29:8, 30:20, 31:5, 36:16, 37:12, 38:12, 39:15, 47:2, 47:3, 48:20, 63:9, 67:11, 75:10, 77:1, 87:6, 92:11, 108:10 TRUMBULL [1] - 1:6 Trumbull/Geauga [1] - 22:10 trust [1] - 102:1 truth [3] - 111:8, 111:9 try [8] - 55:25, 65:11, 90:13, 90:14, 91:17, 102:8, 104:18, 106:14 trying [10] - 20:1, 26:11, 27:15, 53:24, 54:9, 61:12, 65:7, 70:3,</p>
---	---	---	---

78:21, 104:22
turn [2] - 43:24, 97:12
twelve [1] - 20:21
twenty [1] - 19:14
twice [2] - 5:23, 19:6
two [31] - 6:18, 12:22, 25:5, 25:9, 27:25, 28:4, 44:12, 47:8, 51:11, 51:12, 56:8, 56:9, 56:11, 57:7, 57:10, 58:6, 60:10, 61:21, 63:20, 63:24, 64:22, 65:13, 66:13, 69:25, 73:14, 76:11, 76:17, 97:25, 98:1, 106:20, 106:21
type [3] - 37:16, 44:23, 100:18
typed [1] - 109:19
types [2] - 49:7, 50:5
typewriting [1] - 111:10

U

U.S [2] - 10:19, 10:23
ultimately [1] - 69:20
unable [1] - 90:16
unacceptable [3] - 49:8, 50:7, 50:8
unanimously [1] - 53:4
unaware [1] - 51:13
under [16] - 35:22, 37:14, 38:22, 39:9, 46:8, 48:3, 60:25, 70:6, 71:23, 72:3, 72:17, 73:6, 111:10, 111:15
undergo [1] - 43:5
underneath [2] - 72:7, 72:9
understood [2] - 5:2, 7:17
unfair [1] - 78:19
unfortunately [1] - 87:17
uniformly [2] - 51:15, 52:20
unilaterally [1] - 30:1
union [4] - 44:10, 67:21, 97:19
unions [1] - 22:21
United [1] - 10:15
UNITED [2] - 1:1, 112:2
University [3] - 9:4, 9:14, 9:19
unless [3] - 20:4, 71:15, 77:13
unmute [1] - 110:5
up [21] - 6:14, 16:10, 27:12, 29:9, 32:6

39:21, 40:21, 49:15, 55:23, 68:15, 79:22, 81:12, 88:2, 91:20, 92:1, 92:22, 96:21, 101:11, 101:23, 107:7, 109:19
upset [1] - 99:1
upstanding [1] - 101:12
utilizes [1] - 51:23

V

vacation [3] - 71:16, 99:3, 106:13
vanish [1] - 99:9
variety [1] - 72:20
various [2] - 52:6, 76:23
verbal [2] - 4:13, 4:16
verify [2] - 36:23, 38:25
version [2] - 35:6, 48:25
versions [1] - 5:17
versus [2] - 17:9, 44:10
via [1] - 2:2
victims [1] - 101:8
video [1] - 2:2
Video [1] - 1:9
videos [4] - 87:6, 87:10, 87:12, 87:15
violate [7] - 52:15, 53:24, 54:9, 56:3, 57:15, 63:16, 63:17
violated [4] - 58:1, 59:17, 60:23, 61:10
violating [4] - 60:8, 61:6, 70:17, 70:25
violation [3] - 51:18, 58:5, 58:6
Vivoda [1] - 74:4
Vivoda-Klotz [1] - 74:4
VOICE [1] - 98:22
volunteer [2] - 27:22, 27:23
vote [2] - 22:18, 70:24
voted [5] - 53:5, 62:8, 63:8, 70:20, 70:22
votes [2] - 16:6, 16:17
voting [1] - 87:1
vs [1] - 1:5

W

wait [8] - 4:21, 11:19, 59:19, 72:13, 93:7, 94:12, 96:5
Wait [1] - 92:22
waiting [1] - 80:20
waive [1] - 109:25
waived [1] - 110:15
wants [1] - 80:23
warden [5] - 67:18,

67:19, 67:24, 67:25, 69:9
warned [4] - 42:20, 43:13, 46:5, 64:17
warranted [1] - 51:17
Warren [4] - 8:21, 13:6, 13:23, 13:25
Waste [1] - 22:10
water [11] - 75:1, 75:8, 75:11, 75:16, 90:2, 91:8, 91:19, 92:7, 109:13
ways [2] - 20:9, 26:23
week [5] - 21:4, 21:8, 37:15, 64:15, 91:15
weeks [9] - 51:11, 51:12, 63:20, 63:24, 64:22, 65:13, 73:14, 106:20, 106:21
welcome [2] - 8:4, 48:1
wherein [1] - 74:17
WHEREOF [1] - 111:19
whichever [2] - 34:2, 67:19
whole [1] - 111:8
wholly [1] - 32:2
wife [1] - 99:13
willful [1] - 60:5
willing [1] - 104:20
window [1] - 64:24
wine [2] - 109:9, 109:13
withdraw [1] - 64:18
WITNESS [18] - 3:1, 14:22, 15:1, 15:10, 40:15, 49:18, 55:14, 58:14, 64:7, 74:1, 75:24, 80:20, 81:10, 81:13, 92:21, 96:5, 110:1, 111:19
witness [5] - 47:22, 98:17, 111:7, 111:11, 111:11
witnesses [1] - 21:16
wives [1] - 101:7
woman [1] - 96:19
women [4] - 42:18, 42:24, 43:3, 43:10
wondering [1] - 55:21
word [11] - 19:23, 30:14, 35:3, 35:6, 35:10, 35:18, 79:16, 91:21, 107:6, 108:7, 108:11
words [3] - 32:9, 32:25, 79:24
work-related [2] - 62:9, 63:2
worker [1] - 7:13
workplace [1] - 50:2
works [2] - 12:12, 96:7
worry [2] - 73:23, 74:3

wrap [1] - 68:15
write [3] - 21:15, 103:20, 103:25
writing [1] - 111:9
written [1] - 49:25
wrote [1] - 83:15

X

x223 [1] - 2:11

Y

ye [1] - 93:20
year [7] - 8:24, 11:3, 13:11, 16:13, 62:13, 63:4, 63:11
years [24] - 6:8, 6:13, 6:17, 12:22, 12:23, 13:11, 13:12, 13:13, 13:16, 14:23, 15:2, 15:3, 19:12, 19:14, 19:18, 19:19, 20:21, 20:22, 30:22, 69:25, 82:22, 95:14
years' [1] - 40:3
young [2] - 100:16, 101:17
Youngstown [4] - 9:14, 9:19, 10:6, 11:10
yourself [1] - 47:4
youth [1] - 100:16

Z

zero [1] - 40:2
Zoom [2] - 1:9, 2:2